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UNITED STATES DEPARTMENT OF AGRICULTURE  
Agricultural Adjustment Administration

1938 AGRICULTURAL CONSERVATION PROGRAM

Southern Region Bulletin 201 (Preliminary) OCT 4 1937

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THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

IN THE YEAR 1649

BY JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

LONDON, 1704

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard.

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Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7 (a) of the said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are subject to such legislation relating to said program as the Congress of the United States may hereafter enact, and the making of the payments and grants of aid herein provided are contingent upon such appropriation as the said Congress may hereafter provide for such purpose; the amounts of such payments and grants of aid will be finally determined by such appropriation and by the extent of national participation in the program. Any increase or decrease in rates of payments and deductions because of the extent of participation in the program will not be in excess of 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable only to the States in the Southern Region, namely, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas, excluding counties for which special programs are approved for 1938 by the Secretary of Agriculture; and public domain, lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Sec. 1. National, State and County Goals.- (a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on as much as practicable of the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying out of such soil-conserving practices as will promote good farming and the prevention of wind and water erosion.

(2) The following acreages of soil-depleting crops:

Cotton	29,000,000 to 31,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco:	

Flue-cured	840,000 to 880,000 acres
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Burley	480,000 to 500,000 acres
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Fire-cured and Dark air-cured	170,000 to 180,000 acres
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Cigar filler and binder	85,000 to 90,000 acres
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Georgia-Florida Type 62	2,800 to 3,000 acres
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Potatoes 3,100,000 to 3,300,000 acres  
Peanuts 1,500,000 to 1,600,000 acres  
Rice 825,000 to 875,000 acres  
Other soil-depleting crops 145,000,000 to 155,000,000 acres  
Total soil-depleting crops 275,000,000 to 290,000,000 acres

(b) Within the limits of the national goals herein established State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration, on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive; and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program; taking into consideration trends in acreage; the acreage of food and feed crops required for home consumption; farms for which goals may be established as large as the normal acreage of crops grown thereon; and other pertinent data.

(c) Within the limits of the State goals established, the Agricultural Adjustment Administration, with the assistance of the State committee, shall establish county goals for total soil-depleting crops, and for individual soil-depleting crops where applicable. County goals for cotton, tobacco and rice shall be established for each county where such crops are grown. County goals for Irish potatoes and peanuts shall be established only for those counties in the principal commercial producing areas designated by the Agricultural Adjustment Administration. The State goals with respect to total and individual soil-depleting crops shall be equitably distributed among the counties on the basis of the average acreage grown in such counties and the base acreages and limits established by the Agricultural Adjustment Administration in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provisions was not made in 1937, trends in acreage, farms for which goals may be established as large as the normal acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

In order to promote the adoption of soil-conserving crops and practices which are most needed in the county and which are not routine farming practices in the county, the State committee may establish county goals for particular soil-conserving crops or practices determined to be most desirable for the county.

Sec. 2. Goals for Individual Farms.- (a) The county committee shall establish for each farm a total soil-depleting crop goal, and where applicable goals for cotton, tobacco, peanuts, rice and Irish potatoes. In establishing goals for soil-depleting crops for individual farms, the county committee shall take into account good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the



farm. 1/ The soil-depleting goals established for a farm shall represent such farm's equitable share of the respective county soil-depleting goals.

If the acreage of cotton or rice planted on any farm in 1938 is less than 80 percent of the cotton or rice goal, respectively, established for that farm, the cotton or rice goal for 1938 shall be reduced to 125 percent of the planted acreage of cotton or rice, respectively, unless the county committee finds that the failure to plant 80 percent of the acreage in the cotton or rice goal was due to flood or drought.

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which shall be the acreage of cropland in the farm devoted annually to crops (including forest trees planted since January 1, 1934, but excluding commercial orchards and idle rice land) minus the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall in no event be less than the sum of the following:

(1) i. One and one-half times the soil-conserving acreage in all cases where the general soil-depleting goal is less than the usual acreage of general soil-depleting crops and in all other cases upon request by the operator, as provided in paragraph ii below, or - -

ii. One-half of the sum of the cotton, flue-cured tobacco, peanut and potato goals if the general soil-depleting goal is as large as the usual acreage of general soil-depleting crops, provided that if such sum is used the general soil-depleting goal shall not be used in computing the payment for the farm. For such farms where the potato goal is less than three times the soil-conserving acreage, one and one-half times the soil-conserving acreage shall be used upon request of the operator, and in such cases, the general soil-depleting goal shall be used in computing the payment for the farm.

(2) The average acreage of commercial vegetables grown on the farm in 1936 and 1937.

(3) The acreage of commercial orchards on the farm.

(4) One-tenth of the acreage of non-crop pasture land included in computing the payment for the farm.

1/ For farms on which rice goals are to be established, consideration shall be given to the type of soil suited for rice production for which water is readily available and also to the acreage customarily grown by the producer.



(5) The acreage in the general soil-depleting goal, if such goal is as large as the usual acreage of general soil-depleting crops and is also used in computing the payment for the farm.

Sec. 3. Payment for Full Performance.- Payment will be made with respect to any farm for not exceeding the soil-depleting goals and for achieving the soil-building goal established therefor, in an amount which shall be the sum of the following:

(1) \$1.50 per acre adjusted for productivity for each acre in the general soil-depleting goal, except that such goal shall not be included in computing the payment for the farm if one-half of the sum of the cotton, flue-cured tobacco, peanut and potato goals is used in establishing the soil-building goal.

(2) 2 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton goal.

(3) The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco goal for each of the following types of tobacco:

(a)	Burley	0.5 cent
(b)	Flue-cured	1.0 cent
(c)	Georgia-Florida Type 45	0.8 cent
(d)	Georgia-Florida Type 62	2.0 cents

(4) 6 cents per bushel of the normal yield per acre of Irish potatoes for the farm for each acre of Irish potatoes planted on the farm in 1938, not in excess of the potato goal.

(5) 20 cents per 100 pounds of the normal yield per acre of peanuts for the farm for each acre in the peanut goal.

(6) 12 1/2 cents per 100 pounds of the normal yield per acre of rice for the farm for each acre in the rice goal.

(7) 70 cents per acre of the soil-conserving acreage established for the farm. For farms where one-half of the sum of the cotton, flue-cured tobacco, peanut and potato goals is used in computing the minimum soil-building goal for the farm, such sum shall be used in this item (7) in lieu of the soil-conserving acreage in computing the payment for the farm.

(8) 50 cents per acre of restoration land designated for the farm.

(9) \$2.00 per acre of the average annual acreage of commercial vegetables grown on the farm in 1936 and 1937.

(10) \$2.00 per acre of commercial orchards on the farm January 1, 1938.



(11) (a) In Oklahoma and Texas, 3 cents per acre of noncrop open pasture land plus 75 cents for each animal unit of grazing capacity (on a 12-month basis) of such pasture.

(b) In all other States, 25 cents per acre for fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance.-- The payment computed for any farm, under the provisions of section 3, shall be subject to all of the following deductions which are applicable to the farm.

(1) 10 cents per pound of the normal yield per acre of cotton for the farm for each acre of cotton in excess of the cotton goal.

(2) 4 cents per pound of the normal yield per acre of Burley tobacco for the farm for each acre of such tobacco in excess of the Burley tobacco goal.

(3) 10 cents per pound of the normal yield per acre of flue-cured tobacco for the farm for each acre of such tobacco in excess of the flue-cured tobacco goal.

(4) 8 cents per pound of the normal yield per acre of Georgia-Florida Type 45 tobacco for the farm for each acre of such tobacco in excess of the Georgia-Florida Type 45 tobacco goal.

(5) 20 cents per pound of the normal yield per acre of Georgia-Florida Type 62 tobacco for the farm for each acre of such tobacco in excess of the Georgia-Florida Type 62 tobacco goal.

(6) 60 cents per bushel of the normal per acre yield of potatoes for the farm for each acre of potatoes in excess of the potato goal.

(7) \$2.00 per hundred pounds of the normal yield per acre of peanuts for the farm for each acre of peanuts in excess of the peanut goal.

(8) \$1.25 cents per hundred pounds of the normal yield per acre of rice for the farm for each acre of rice in excess of the rice goal.

(9) \$12.00 per acre, adjusted for productivity on the basis of the productivity indexes established for the county and for the farm (8 times the payment rate for the farm specified in item (1), section 3), for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm, less any acreage on which deductions are made for exceeding special soil-depleting crop goals.

(10) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.



(11) \$3.00 per acre for each acre of native sod, or any other land which has been cropped but is not classified as cropland or restoration land, broken out in the Great Plains Area during the period October 1, 1937, to October 1, 1938, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm or another farm covered by the same application is restored to permanent vegetative cover, such acreage to be in addition to that designated as restoration land.

(12) \$1.00 per acre for each acre in the Great Plains area with respect to which there is failure to adopt approved methods of preventing wind or water erosion in 1938, and for each acre of restoration land on which conservation measures specified by the county committee in accordance with instructions issued by the State committee are not carried out.

Sec. 5. Materials Furnished in Lieu of Payments.- Wherever it is found practicable, limestone, superphosphate, trees, seeds and other materials may be furnished by the Agricultural Adjustment Administration for use in carrying out soil-building practices on a farm as grants of aid in lieu of cash payment. Wherever such materials are furnished, a deduction shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

Sec. 6. Division of Payments.- Payments shall be divided on the basis of the acreage shares of each person in the soil-depleting crops grown and the approved soil-conserving practices carried out on the farm.

In determining the acreage share of each person each acre of tobacco or potatoes (planted on farms where potato goals are established) shall be given a weight of 4; each acre of cotton or rice, a weight of 2; each acre of other soil-depleting crops (excluding the acres of general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal) a weight of 1; and each acre unit of soil-conserving practices (excluding the maintenance of a protective covering of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes seeded prior to 1938 on cropland on which no crop is planted for harvest in 1938 and the growing of self-reseeded annual legumes), a weight of 1. If the county committee determines that 2 or more persons have contributed to the carrying out of any soil-conserving practice, the acreage of such practice shall be divided equally among them.

Sec. 7. Association Membership and Deduction for Expenses.- Any person having an interest in any crop produced on a farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1938 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.



There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purpose of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20. will be made.

Sec. 8. Payments Restricted to Effectuation of the Purposes of the Program.-- No person shall be entitled to receive or retain any payment under the 1938 Agricultural Conservation Program if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program. Neither shall any person be entitled to receive or retain any such payment if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized.

Sec. 9. Payments Computed and Made Without Regard to Claims.-- Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 10. Exceeding Soil-Depleting Crop Goals on Non-Payment Farms.-- If a person who has made application for payment with respect to any farm has an interest as owner or operator in any other farm(s) in the county and on such other farm(s) deductions would be incurred under section 4, excluding item (10) and such deductions are larger than the amount computed for the farm under items (1) through (6), section 3, the payment to be made to such person shall be decreased by an amount equal to such person's share of such deductions in excess of such amount computed under section 3.

The provisions of this section shall be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the State committee finds that the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

Sec. 11. Changes in Leasing and Cropping Agreements and Other Devices.-- If the State committee finds that any person who has made an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other



person of any payment or share therein, to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device or require such person to refund in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

Sec. 12. Productivity Indexes.-- There shall be established by the Secretary for each county a county productivity index which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, grain sorghums, soybeans, sorghum for syrup, Irish potatoes except in potato limit counties, sweetpotatoes, and broomcorn, vary as compared with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index or rate per acre shall be established for each farm by the county committee, subject to the approval of the State committee. Such productivity index or rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop for any farm in the county does not accurately reflect the productivity of such farm, the yield of such other crops as does reflect the productivity of the farm may be used, provided that the productivity index or rate per acre for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the productivity indexes or rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index or per acre rate for all farms in the county (weighted by the general soil-depleting goal for each farm) shall not exceed the county productivity index or county per acre rate unless it is determined that the farms for which such indexes or rates per acre are established are not representative of all farms in the county and a variation from the county average is approved by the Agricultural Adjustment Administration.

Sec. 13. Cotton, Tobacco, Peanut, Irish Potato and Rice Yields.--

(a) County Average Yields.-- There shall be established for each county having a cotton, tobacco, peanut, Irish potato, or rice goal, the county average yield of each such crop for which a county goal is established. Such county average yield shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more of such years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for any crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration, and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing county yields.



(b) Individual Farm Yields.-- There shall be established for each farm having a cotton, tobacco, Irish potato, rice or peanut goal a yield per acre of each crop for which a goal for such crop is established, such yield to be the annual normal yield per acre for each such crop for such farm. The weighted average yield for all farms in any county with respect to any such crop shall not exceed the county average yield of such crop, unless it is determined that the farms for which such yields are established are not representative of all farms in the county producing such crop and a variation from the county average yield is approved by the Agricultural Adjustment Administration.

Sec. 14. Soil-Depleting Crops. 2/ Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting:

(a) Land planted to the following crops for harvest in 1938:

- (1) Corn.
- (2) Grain sorghums.
- (3) Cotton.
- (4) Tobacco.
- (5) Sugarcane.
- (6) Rice.
- (7) Peanuts harvested for nuts.
- (8) Broomcorn.
- (9) Cultivated sunflowers.
- (10) Truck and vegetable crops and their seeds.
- (11) Strawberries and melons.
- (12) Irish potatoes and sweetpotatoes.
- (13) Bulbs and flowers.

(b) Land planted to wheat for harvest in 1938, unless such crop is used -

(1) as a nurse crop and is not harvested for grain or hay, or

(2) in an area having an average annual precipitation of more than 30 inches, as a green manure crop or cover crop and not harvested for grain or hay.

(c) Land planted to oats 3/, barley, rye, rape, and mixtures of these crops for harvest in 1938, unless a good stand of such crop is used as a green manure crop or such crop is used as a nurse crop or cover crop and is not harvested for grain.

(d) Land planted in 1938 to sweet sorghums, Sudan grass, or millet unless a good stand of such crop is used as a green manure crop or such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, or forage.

(e) Land planted in 1938 to soybeans, harvested for seed for crushing.

(f) Unprotected summer fallow.

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2/ Volunteer crops shall classify as if planted.

3/ Excluding oats used as a support crop for vetch or Austrian field peas.



The acreage of land which is devoted to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reaches maturity and an individual soil-depleting goal is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual soil-depleting goal is established. If two or more of such crops reach maturity and individual soil-depleting goals are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual soil-depleting goal is established.

Sec. 15. Soil-Conserving Practices. - Such of the soil-conserving measures listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such measures are carried out in 1938 in areas designated by and in accordance with specifications issued by the State committee with the approval of the Regional Director. The areas designated for any soil-conserving practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications shall be such as to assure that the soil-conserving practice will be performed in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed or materials furnished by any Federal or State agency other than the Agricultural Adjustment Administration shall not be considered toward meeting the soil-building goal.

Schedule of Soil-Conserving Practices

- A. Each acre of the following shall be counted as one acre:
1. Maintaining a protective covering of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded prior to 1938 on cropland on which no crop is planted for harvest in 1938.
  2. Seeding biennial legumes (other than red clover) or mixtures of timothy, redtop, and legumes.
  3. Seeding or growing winter legumes or annual lespedeza.
  4. Summer legumes grown alone and not classified as soil-depleting.
  5. Green manure crops plowed or disked under as green manure provided a good growth is attained (excluding wheat on nonirrigated land in areas with less than 30 inches annual precipitation and also excluding Sudan grass, millet, and sweet sorghums in all areas other than Oklahoma and Texas).



6. Seeding Sudan grass, millet, or Italian rye grass, provided the crop is not harvested for grain, seed, or hay.
  7. Seeding sweet sorghums or rye, provided a good growth is attained and the crop is not pastured or harvested for grain, seed or hay.
  8. Protecting summer fallowed acreage from wind and water erosion by contour or basin listing, stripcropping, or other approved measures in designated areas, (by contour or basin listing or stripcropping only, in designated wind erosion areas). This practice will not be approved for light sandy soils in any area.
- B. Each acre of the following shall count as one and one-quarter acres:
9. Seeding red clover.
- C. Each acre of the following shall count as two acres:
10. Seeding perennial legumes, perennial grasses other than timothy or redtop, or mixtures of legumes and perennial grasses other than timothy and redtop.
  11. Cultivating, protecting and maintaining a good stand of forest trees planted on cropland since January 1, 1934.
- D. Each acre of the following shall be counted as three acres:
12. Establishment of permanent pasture by planting sod pieces of perennial grasses.
- E. Each acre of the following shall be counted as five acres:
13. Planting forest trees.
  14. Control of perennial noxious weeds, designated by the Regional Director, on cropland in seriously infested areas in accordance with approved chemical or tillage methods, in organized weed control districts. 4/
- F. Each acre of the following shall be counted as one-half acre:

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4/ In organized weed control districts where the State or county makes a contribution toward the expense of carrying out this practice and such contribution does not exceed one-third of such expense, each acre on which this practice is carried out shall be counted as three acres in achieving the soil-building goal for the farm, notwithstanding the provisions of the second paragraph of section 15.



15. Summer legumes not classified as soil depleting, if interplanted or grown in combination with soil-depleting crops.
16. Renovation of perennial legumes.
17. Reseeding of pastures.
18. Seeding timothy or redtop.

G. Each acre of the following shall be counted as one-fourth acre:

19. Leaving on land the stalks of sorghums or Sudan grass, classified as soil depleting (in designated wind erosion areas only).
20. Restoration of noncrop open pasture by non-grazing during the normal pasture season.

H. Each acre of the following shall be counted as one-fifth acre:

21. Stripcropping other than for protection of summer fallowed acreage.
22. Contour listing or furrowing non-crop open pasture land.

I. Each acre of the following shall be counted as one-eighth acre:

23. Contour farming intertilled crops.
24. Contour listing (except on protected summer fallowed acreage, or as a part of a seeding operation).

J. Each acre of the following shall be counted as one-tenth acre:

25. Contour seeding of small grain crops.
26. Basin listing (except on protected summer fallowed acreage, or as a part of a seeding operation).
27. Small grain stubble of crop harvested in 1938, left on the land into 1939 as a protection against wind erosion.



K. Each unit of the following practices shall be counted as one acre: 5/

28. Application of 300 pounds of 16 percent superphosphate or its equivalent to perennial or biennial legumes, perennial grasses, winter legumes or lespedeza.
29. Application of 200 pounds of 50 percent muriats of potash or its equivalent to perennial or biennial legumes, perennial grasses, winter legumes or lespedeza.
30. Application of 500 pounds of basic slag or rock phosphate to perennial or biennial legumes, perennial grasses, winter legumes, or lespedeza.
31. Construction of 200 linear feet of standard terrace for which proper outlets are provided.
32. Construction of reservoirs and dams - 15 cubic yards of fill or excavation.
33. Contour ridging of noncrop open pasture land - 750 feet of ridge or terrace.
34. Application of the following quantities of ground limestone or its equivalent in areas designated by the Regional Director as areas in which the average cost of agricultural limestone to farmers is:
  - (a) Not more than \$1.50 per ton..... 3000 lbs.
  - (b) More than \$1.50 but not more than \$2.50 per ton..... 2000 lbs.
  - (c) More than \$2.50 but not more than \$3.50 per ton..... 1500 lbs.
  - (d) More than \$3.50 but not more than \$5.00 per ton..... 1000 lbs.
  - (e) More than \$5.00 per ton..... 800 lbs.

Sec. 16. Persons Who May Make Application for Payment. -

(a) An application for payment may be made by an owner, operator, share tenant, or sharecropper, sharing in the crops grown on the farm in 1938.

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5/ When the materials specified in practices 28, 29 and 30 are applied to perennial or biennial legumes, perennial grasses, winter legumes or lespedeza in connection with a soil-depleting crop, only such proportionate part of the material applied shall be counted as is approved by the Regional Director.



(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which such person is interested as owner or operator and also to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' public notice shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county an application shall be submitted also with respect to each other farm owned or operated by such person in the county. Upon request by the State committee such person also shall submit an application with respect to any farm owned or operated by him in any other county in the State.

Sec. 17. Land to be Covered by an Application for Payment. - Each farm shall be covered by a separate application for payment, except that any two or more farms operated by the same person may be covered by one application. When two or more farms are covered by one application, all such farms shall be considered as one farm for purpose of computing payment.

Sec. 18. Determination of County in Which a Farm is Located. - A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 19. Appeals. - Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may request the county committee in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 20 days after such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 20 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days thereafter inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may within 20 days thereafter, request the Regional Director to review the decision of the State committee.

Sec. 20. Instructions and Forms. - The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions may, wherever practicable, include provision for rounding of goals and 1938 acreages of crops and practices to the nearest whole acre and for calculating items included in the maximum payment, deduc-



tions for administrative expenses, and the payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00

Sec. 21. Definitions. - For the purposes of the 1938 Agricultural Conservation Program.

SECRETARY means the Secretary of Agriculture of the United States.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina and Texas.

STATE COMMITTEE means the group of persons designated for any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected for any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

OWNER means a person (1) who is legal owner of a farm which is not entirely rented to an operator for cash, for a fixed commodity payment, or for the crop from a fixed acreage; (2) who is legal owner of a farm all or part of which is field-rented to and operated by other persons; (3) who rents a farm from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or (4) who is purchasing a farm on installments for cash; for a fixed commodity payment, for the crop from a fixed acreage, or for a share of the crop, and who does not rent the farm to an operator for cash, for a fixed commodity payment, or for the crop from the fixed acreage.

OPERATOR means a person who is operating a farm or tract and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

SHARE TENANT means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. A person who receives a share of the crop merely for harvesting such crop shall not be considered a tenant.

SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

FARM means all adjacent or nearby farm land legally owned by a person, (a) which is operated by one person as all or part of one



farming unit, or (b) all or part of which is field-rented to and operated by other persons.

FARMING UNIT means all land which is farmed by an operator in 1938 as a single unit, with workstock, farm machinery, and labor substantially separate from that of any other land.

TRACT means any part of a farm which is operated by a person who does not operate and work all of the farm.

REGIONAL DIRECTOR means the director of the Southern Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the Southern Region.

COMMERCIAL ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, or bush fruits on the farm January 1, 1938 (excluding young non-bearing orchards) from which the principal part of the production is normally sold.

CROPLAND means farm land which is tilled annually or in a regular rotation but shall not include restoration land or any land which constitutes, or will constitute if such tillage is continued, a wind or water erosion hazard to the community because of the texture or slope of such land or because of climatic conditions but shall include land planted to permanent pasture or forest trees since January 1, 1934 and which was classified as cropland under the 1937 Agricultural Conservation Program.

RESTORATION LAND means farm land in the Great Plains Area, or any other area designated by the Regional Director upon recommendation of the State committee, which has been cropped at least once since January 1, 1933 and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

ANIMAL UNIT means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in each individual crop goal established for the farm and less the acreage of sugarcane for sugar grown on the farm in 1938.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for beef or dairy cattle and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including Irish potatoes on farms where an Irish potato goal



is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.

I. W. Duggan  
Acting Director, Southern Division.







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November 5, 1937

UNITED STATES DEPARTMENT OF AGRICULTURE  
Agricultural Adjustment Administration

1938 AGRICULTURAL CONSERVATION PROGRAM

Southern Region Bulletin 201 (Preliminary)

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Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7(a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in the Southern Region in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of nationwide participation in the program. Any increase or decrease in payments made because of the extent of participation in the program is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are applicable only to the States in the Southern Region; namely, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas, excluding counties for which special programs under said Act are approved for 1938 by the Secretary; and also excluding public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section 1. National, State, and County Goals.- (a) The national goals in connection with the 1938 Agricultural Conservation Program shall be as follows:

(1) The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops, and the carrying-out of such soil-building practices as will preserve and improve soil fertility and prevent wind and water erosion.

(2) The following acreages of soil-depleting crops:

Cotton	27,000,000 to 29,000,000 acres
Corn	92,000,000 to 96,000,000 acres
Tobacco	
Flue-cured	850,000 to 900,000 acres
Burley	480,000 to 500,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres
Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Other soil-depleting crops	145,000,000 to 155,000,000 acres
Total soil-depleting crops	273,000,000 to 288,000,000 acres

(b) State goals for total soil-depleting crops and for individual soil-depleting crops where applicable shall be established by the Agricultural Adjustment Administration, on the basis of the average acreage of the various soil-depleting crops grown in each State in the period from 1928 to 1937, inclusive, and the base acreages and limits established in connection with the 1937 Agricultural Conservation Program, taking into consideration trends in acreage, the acreage of food and feed crops required for home consumption, and farms for which goals may be established as large as the usual acreage of crops grown thereon. The total of the State goals for any crop or group of crops shall not be less than the minimum acreage nor more than the maximum acreage specified as the national goal for such crop or group of crops in subsection (a).

(c) The Agricultural Adjustment Administration, with the assistance of the State committees, shall establish county goals for total soil-depleting crops and where applicable for individual soil-depleting crops. County goals for cotton, tobacco, and rice shall be established for each county where such crops are grown commercially. County goals for peanuts and Irish potatoes shall be established only for those counties which the Agricultural Adjustment Administration designates as being in the principal commercial producing areas. In establishing county goals the State goal shall be equitably distributed among the counties on the basis of the average acreage grown in such counties in the period from 1928 to 1937, inclusive, and the base acreages established in connection with the 1937 Agricultural Conservation Program adjusted where necessary for farms for which provision was not made in 1937, taking into consideration trends in acreage, farms for which goals may be established as large as the usual acreage of crops grown thereon, and recommendations of district and county agricultural planning committees with respect to the acreages of various crops and groups of crops which should be grown in each county in order to promote soil conservation.

The Agricultural Adjustment Administration, with the assistance of State committees, may establish county goals for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and prevent wind and water erosion.

Sec. 2. Goals for Individual Farms.- (a) The county committee in accordance with applicable instructions shall establish for each farm a total soil-depleting crop goal and where applicable goals for cotton, tobacco, peanuts, rice, and Irish potatoes. The soil-depleting goal for any farm shall represent the farm's equitable share of the county goal taking into consideration good soil management, the tillable acreage on the farm, the type of soil, topography, production facilities, the crop rotation system, the acreage of such crops customarily grown on the farm, and the acreage of food and feed crops needed for home



consumption on the farm. The cotton goal for any farm shall not exceed 50 percent of the cropland in the farm. 1/

If the acreage of cotton or rice planted on any farm in 1938 is less than 80 percent of the cotton or rice goal, respectively, established for that farm, the cotton or rice goal for 1938 shall be reduced to 125 percent of the planted acreage of cotton or rice, respectively, unless, in the case of cotton, the county committee finds that the failure to plant 80 percent of the acreage in the cotton goal was due to flood or drought.

The soil-depleting goals for all farms in the county shall not exceed such goals as shall be established for the county by the Agricultural Adjustment Administration, and the sum of the goals for farms furnishing required forms and information shall not exceed their proportionate share of the county goals.

(b) The county committee shall establish for each farm a soil-conserving acreage which, except as otherwise noted 2/, shall be the acreage of cropland in the farm (excluding commercial orchards, normally idle cropland, and idle or fallow rice land) in excess of the total soil-depleting goal for the farm.

(c) The county committee shall establish for each farm a soil-building goal which shall represent the number of acres or acre equivalents of applicable practices listed in Sec. 6 to be carried out on the farm as a condition of payment. The soil-building goal for a farm, except as otherwise noted 3/ shall be the sum of the following:

(1) i. One and one-half times the soil-conserving acreage; or

1/ For farms on which rice goals are established, consideration shall also be given to the acreage in the farm suited to rice production and for which water is readily available and the acreage of rice customarily grown by the producer. An Irish potato goal will not be established for any farm for which the acreage of land normally planted to Irish potatoes is determined to be less than 3 acres.

2/ A zero soil-conserving acreage may, in accordance with instructions issued by the Agricultural Adjustment Administration, be established for farms for which a rice goal is the only soil-depleting goal established.

3/ For any farm for which the total soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of soil-depleting crops for the farm, the soil-building goal shall be the sum of the following:

(1) A number of acres equal to one-half the number of dollars computed for the farm under Sec. 3, and

(2) The soil-conserving acreage for the farm.

ii. On farms for which cotton, flue-cured tobacco, or peanut goals are established, an acreage equal to not more than the sum of the cotton, tobacco, peanut, and Irish potato goals and not less than one-half of the sum of such goals may be used, if requested by the operator. If this alternative is used, the general soil-depleting goal will not be used in computing the payment for the farm.

(2) The number of acres by which the general soil-depleting goal exceeds the total of the cotton, tobacco, peanut, rice, and Irish potato goals, if the general soil-depleting goal is determined in accordance with instructions issued by the Agricultural Adjustment Administration to be as large as the usual acreage of general soil-depleting crops grown on the farm and such goal is used in computing the payment for the farm.

(3) The average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937. (If commercial vegetables were grown in only one of such years, one-half of the acreage of land on which they were grown shall be used; if two or more crops of commercial vegetables were grown on the same land in the same year, the acreage of such land shall be counted as if only one such crop were grown thereon.)

(4) The acreage of commercial orchards on the farm January 1, 1938.

(5) A number of acres equal to one-half the number of dollars computed for the farm (under item (11) of Sec. 3) with respect to non-crop open pasture land.

The county committee shall, insofar as practicable, establish soil-building goals for individual farms in terms of acreages or acreage equivalents of one or more specified soil-building practices which it determines are not routine farming practices on the farm but are needed on the farm in order to preserve and improve soil fertility and prevent wind and water erosion and will tend to accomplish the goals established for the county with respect to particular soil-building practices.

Sec. 3. Payment for Full Performance.- Payment will be made with respect to any farm for not exceeding the soil-depleting goal and for achieving the soil-building goal in an amount which shall be the sum of the following:

(1) \$1.50 per acre, adjusted for productivity, for each acre in the general soil-depleting goal: Provided, however, that if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm the rate shall be \$1.50 per acre, not adjusted for productivity, on the number of



acres by which the general soil-depleting goal exceeds the sum of the cotton, tobacco, peanut, rice, and Irish potato goals for the farm. The general soil-depleting goal will not be used in computing the payment with respect to farms for which all or part of the sum of the cotton, tobacco, peanut, and Irish potato goals is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal.

(2) 2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton goal.

(3) The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco goal for each of the following types of tobacco:

- |                             |           |
|-----------------------------|-----------|
| (a) Burley                  | 0.5 cent  |
| (b) Flue-cured              | 1.0 cent  |
| (c) Georgia-Florida type 45 | 0.8 cent  |
| (d) Georgia-Florida type 62 | 2.0 cents |

(4) 6 cents per bushel of the normal yield per acre of Irish potatoes for the farm for each acre of Irish potatoes planted on the farm in 1938, not in excess of the Irish potato goal.

(5) 0.2 of a cent per pound (20 cents per 100 pounds) of the normal yield per acre of peanuts for the farm for each acre in the peanut goal.

(6) 0.125 of a cent per pound (12-1/2 cents per 100 pounds) of the normal yield per acre of rice for the farm for each acre in the rice goal.

(7) 70 cents per acre on (a) the soil-conserving acreage, or (b) all or such portion of the sum of the cotton, tobacco, peanut, and Irish potato goals as is used under item (1) of subsection (c) of Sec. 2 in computing the soil-building goal for the farm.

(8) 50 cents per acre of restoration land designated for the farm.

(9) \$2.00 per acre of the average annual acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

(10) \$2.00 per acre of commercial orchards on the farm January 1, 1938.

(11) (a) In Oklahoma and Texas, 2 cents per acre of non-crop open pasture land in the farm plus

\$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture.

(b) In all other States, 25 cents per acre for fenced non-crop open pasture land, in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. 4. Payment for Partial Performance.— The payment computed for any farm, under the provisions of Sec. 3, shall be subject to all of the following deductions which are applicable to the farm.

(1) Ten times the payment rates specified in Sec. 3 for the normal yield on the acreages by which the acreages of flue-cured tobacco, Burley tobacco, Georgia-Florida Type 45 tobacco, Georgia-Florida Type 62 tobacco, peanuts, rice, and Irish potatoes exceed the respective goals established for these crops, or, on farms for which Irish potato goals are not established in designated commercial areas, for each acre by which the acreage of Irish potatoes exceeds 3 acres.

(2) Eight times the payment rates specified in item (1) of Sec. 3 for each acre of soil-depleting crops in excess of the total soil-depleting crop goal for the farm less any acreage on which deductions are made pursuant to items (1) and (3) of this Sec. 4.

(3) 3.6 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton goal but not in excess of 115 percent of the cotton goal, and 10 cents per pound of the normal yield for the farm for each acre of cotton in excess of 115 percent of the cotton goal for the farm.

(4) \$2.00 for each acre or acre equivalent by which the soil-building goal is not reached.

(5) \$3.00 for each acre of native sod or any other land which has been cropped but is not classified as cropland or restoration land which, in areas in Oklahoma and Texas designated by the Agricultural Adjustment Administration as being areas subject to serious wind erosion or areas containing large acreages unsuited to continuing production of cultivated crops, is broken out during the period October 1, 1937, to October 1, 1938, unless the breaking-out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such acreage to be in addition to that designated as restoration land.



(6) \$1.00 for each acre, in areas in Oklahoma and Texas designated by the Agricultural Adjustment Administration as being areas subject to serious wind erosion or areas containing large acreages unsuited to continuing production of cultivated crops, with respect to which there is failure to adopt in 1938 methods recommended by the State committee and approved by the Agricultural Adjustment Administration for the prevention of wind or water erosion; and for each acre of restoration land on which there is failure to carry out in 1938 conservation measures designed to promote restoration, at the most rapid rate possible, of a permanent vegetative cover, such measures to be specified by the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration.

(7) In counties designated by the Agricultural Adjustment Administration as counties where commercial vegetables and Irish potatoes are grown generally on the same farms, a deduction shall be made from the payment with respect to any farm having an Irish potato goal for each acre on which commercial vegetables are grown in 1938 in excess of the average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years), such deduction to be at the deduction rate applicable to the farm under item (1) of this Sec. 4 with respect to Irish potatoes.

Sec. 5. Soil-Depleting Crops.- Land devoted in 1938 to any of the following crops or uses, or such other similar crops and uses as are designated by the Agricultural Adjustment Administration, shall be classified as soil-depleting: 4/

(a) Land planted to the following crops for harvest in 1938:

- (1) Corn (including field corn, sweet corn, and popcorn).
- (2) Grain sorghums.
- (3) Cotton.
- (4) Tobacco.
- (5) Sugarcane.
- (6) Rice.
- (7) Peanuts harvested for nuts.
- (8) Peanuts dug for hay.
- (9) Broomcorn.
- (10) Cultivated sunflowers.
- (11) Truck and vegetable crops (including strawberries, melons, and sweet potatoes).
- (12) Irish potatoes.
- (13) Bulbs and flowers.
- (14) Canning peas.

4/ Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

(b) Land planted to wheat between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop on irrigated land or in an area having an annual average precipitation of more than 30 inches; or

(2) When such crop is used as a cover crop on irrigated land or in an area having an annual average precipitation of more than 30 inches or as a nurse crop, and is not harvested for grain or hay.

(c) Land planted to oats 5/, barley, rye, rape, or mixtures of these crops between August 1, 1937, and July 31, 1938, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay, except that oats sown in the fall of 1937 and harvested for hay in 1938 shall not be considered soil-depleting.

(d) Land planted in 1938 to sweet sorghum, Sudan grass, or millet, except:

(1) When a good stand and good growth of such crop is used as a green manure crop; or

(2) When such crop is used as a cover crop or for pasture and is not harvested for grain, seed, syrup, hay, or silage.

(e) Land planted in 1938 to soybeans harvested for seed for crushing.

(f) Summer fallow in any area not protected from wind and water erosion by methods recommended by the State committee and approved by the Director of the Southern Division.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none or more than one of such crops reach maturity and an individual crop goal is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop goal is established. If none of such crops reaches maturity and individual crop goals are established for two or more of such crops,

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5/ Excluding oats used as a support crop for vetch or Austrian field peas.



the land shall be regarded as devoted to the last planted of such crops for which an individual crop goal is established. If two or more of such crops reach maturity and individual crop goals are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop goal is established.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be occupied by each.

Sec. 6. Soil-Building Practices.- The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein when such practices are carried out in 1938 in areas designated by the Director of the Southern Division and in accordance with specifications issued by him or by the State committee with his approval. The areas designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued shall be such as to assure that the soil-building practice will be performed in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, or materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted towards meeting the soil-building goal. If a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, a proportion of the total acreage of the practice not exceeding the proportion of the total cost not furnished by the State or Federal agency may be counted towards meeting the soil-building goal.

#### Schedule of Soil-Building Practices

A. Each acre of the following shall be counted as one acre:

- (1) Maintaining until after July 1, 1938, a good stand of perennial grasses or perennial or biennial legumes, or mixtures of such grasses and legumes, seeded or established prior to 1938 on cropland on which no soil-depleting crop is planted between August 1, 1937, and July 31, 1938.
- (2) Seeding biennial legumes (other than those qualifying under practice (9) below), orchard grass, or mixtures of timothy or redtop and legumes.

(3) Seeding winter legumes or growing annual lespedeza.

(4) Green manure crops (excluding wheat on non-irrigated land in areas with 30 inches or less annual precipitation and excluding Sudan grass, millets, and sweet sorghums in all areas other than Oklahoma and Texas) of which a good stand and good growth is plowed or disced under as green manure. 6/

(5) Summer legumes grown alone and not classified as soil-depleting.

(6) Growing Sudan grass, millet, or annual ryegrass, provided a good growth is attained, the crop is not harvested for grain, seed, or hay, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.

(7) Growing sweet sorghums or rye, provided a good growth is attained, the crop is not pastured or harvested for grain, seed, or forage, and such crop is grown on land from which no soil-depleting crop is harvested in 1938.

(8) Protecting summer-fallowed acreage from wind and water erosion by contour or basin listing, strip cropping, or other approved measure specified by the Director of the Southern Division. 7/

B. Each acre of the following shall be counted as one and one-half acres:

(9) Seeding approved 8/ domestic or Canadian red clover, except in mixtures.

C. Each acre of the following shall be counted as two acres:

(10) Seeding perennial legumes; perennial grasses

6/ In orchards or on commercial vegetable or Irish potato land or under such other circumstances as are designated by the Agricultural Adjustment Administration a good stand and a good growth of such crop may be left on the land as a temporary mulch.

7/ This practice (No. 8) shall not be counted toward meeting the soil-building goal on any farm when carried out on light, sandy soil, or on any soil in any area where destruction of the vegetative cover has resulted in the land becoming subject to wind or water erosion.

8/ Seed to be approved by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. In areas where practice (9) is used, similar approval with respect to alfalfa seed under practice (10) shall also be required.



other than timothy, redbtop, and orchard grass;  
or mixtures of legumes and perennial grasses other  
than timothy and redbtop.

- (11) Cultivating, protecting, and maintaining a good stand of forest trees planted between January 1, 1934, and January 1, 1938.

D. Each acre of the following shall be counted as three acres:

- (12) Establishment of permanent vegetative cover by planting sod pieces of perennial grasses.

E. Each acre of the following shall be counted as five acres:

- (13) Planting forest trees (including shrubs in protective plantings).
- (14) Control of seriously infested plots of perennial noxious weeds, designated by the Director of the Southern Division, on cropland in organized weed-control districts in accordance with approved chemical or tillage methods.

F. Each acre of the following shall be counted as one-half acre:

- (15) Summer legumes not classified as soil-depleting, if interplanted or grown in combination with soil-depleting crops.

- (16) Seeding timothy or redbtop.

G. Each acre of the following shall be counted as one-fourth acre:

- (17) Leaving on the land as a protection against wind erosion (only in wind erosion areas which will be designated by the Director of the Southern Division) the stalks of sorghums or Sudan grass, classified as soil-depleting, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1939.

- (18) Contour listing or furrowing non-cropland.

- (19) Stripcropping other than for protection of summer-fallowed acreage.

H. Each acre of the following shall be counted as one-sixth acre:

- (20) Contour farming intertilled crops.
- (21) Contour listing (except on protected summer-fallowed acreage or as a part of a seeding operation).

I. Each acre of the following shall be counted as one-tenth acre:

- (22) Contour seeding of small grain crops.
- (23) Basin listing (except on protected summer-fallowed acreage or as a part of a seeding operation).
- (24) Natural vegetative cover, or small grain stubble of crops harvested in 1938, left on cropland not tilled after July 1, 1938 (only in wind erosion areas which will be designated by the Director of the Southern Division), where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1939.

J. Each unit of the following practices in the amounts specified shall be counted as one acre: 9/

- (25) Application of 300 pounds of 16 percent super-phosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.
- (26) Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

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9/ When the materials specified in practice 25, 26, or 27 are applied to perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or Natal grass in connection with a soil-depleting crop, only such proportionate part, if any, of the material applied shall be counted as is specified by the Agricultural Adjustment Administration as being fair under the circumstances.



- (27) Application of 500 pounds of basic slag or rock phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.
- (28) Construction of 200 linear feet of standard terrace for which proper outlets are provided.
- (29) Construction of reservoirs and dams - 15 cubic yards of material moved in making the fill or excavation.
- (30) Reseeding depleted pastures with good seed of adapted pasture grasses or grasses and legumes - 10 pounds of seed.
- (31) Contour ridging of non-crop open pasture land - 750 linear feet of ridge or terrace.
- (32) Application of not less than two tons of straw or equivalent mulching material per acre in commercial orchards or on commercial vegetable land and such material mechanically incorporated into the soil or used as a mulch.
- (33) Application of the following quantities of ground limestone <sup>10/</sup> or its equivalent in areas designated by the Director of the Southern Division as areas in which the average cost of ground limestone to farmers is:
  - (a) Not more than \$1.50 per ton.....3,000 lbs.
  - (b) More than \$1.50 but not more than \$2.50 per ton.....2,000 lbs.
  - (c) More than \$2.50 but not more than \$3.50 per ton.....1,500 lbs.
  - (d) More than \$3.50 but not more than \$5.00 per ton.....1,000 lbs.
  - (e) More than \$5.00 per ton..... 800 lbs.
- (34) Restoration of non-crop open pasture by non-grazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period.

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<sup>10/</sup> Applications of less than 1,000 pounds per acre of ground limestone shall not be counted toward meeting the soil-building goal except as may be approved by the Director of the Southern Division.

Sec. 7. Materials Furnished as Grants of Aid.-- Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration.

Sec. 8. Division of Payment.-- The payment generally shall be divided among interested persons as the crops grown on the farm or the proceeds thereof are divided under the lease or operating agreement and as each person contributes to the carrying-out of soil-building practices on the farm.

(a) The share of each interested person in the payment shall be computed on the basis of the acreage shares of each such person in the soil-depleting crops grown, or the proceeds thereof, and the soil-building practices carried out on the farm in 1938. In computing the acreage share of each person each acre of Georgia-Florida type 62 tobacco shall be given a weight of 10; each acre of Georgia-Florida type 45 tobacco, a weight of 5; each acre of flue-cured tobacco, a weight of 4; each acre of Irish potatoes (planted on the farms for which Irish potato goals are established), a weight of 3; each acre of cotton, rice, or Burley tobacco, a weight of 2; each acre of other soil-depleting crops (excluding sugarcane for sugar, and general soil-depleting crops on farms where the general soil-depleting goal is as large as the usual acreage of crops in such goal), a weight of 1; and each acre unit of soil-building practices (excluding the growing of self-reseeded annual legumes and the maintenance of perennial grasses or perennial or biennial legumes or mixtures of such grasses and legumes and excluding soil-building practices which are carried out by the owner of a farm rented to another person for cash or standing or fixed rent and which are not required in meeting the soil-building goal for the farm), a weight of 1. If the county committee determines that two or more persons have contributed to the carrying-out of any soil-building practice, the acreage of such practice with respect to which such persons contributed shall be divided equally among them.

(b) In lieu of the above method of computing the share of each interested person in the payment, the following method shall be used in States or parts of States, designated by the Director of the Southern Division upon the recommendation of the State committee: The payment computed with respect to each soil-depleting goal (excluding the general soil-depleting goal if such goal is determined to be as large as the usual acreage of general soil-depleting crops grown on the farm) shall be divided among the persons who are parties to the lease or operating agreement in the proportion that such persons are entitled to share in 1938 in the soil-depleting crop(s) in such goal or the proceeds of such crop(s). The remaining payment with respect to the farm shall be divided among eligible persons in accordance with their respective con-



tributions to the units of approved soil-building practices carried out on the farm by such persons in 1938.

(c) If, prior to the harvest of any soil-depleting crop, there is a change in the ownership or operation of a farm and the county committee determines that both owners, or both operators, as the case may be, have contributed to performance with respect to the goal for such crop, the acreage of such crop shall be divided between them on the basis of such contribution to performance by agreement in writing, or in the absence of such agreement by determination of the county committee. Any deductions incurred pursuant to the provisions of Sec. 4 shall be made pro rata from the items making up the maximum payment with respect to the farm.

Sec. 9. Association Membership and Deduction for Expenses.- Any person who previously has not, in accordance with the Articles of Association, become a member of the County Agricultural Conservation Association of the county in which his farm or farms are located shall become a member thereof by signing an application under which a payment can be made with respect to any such farm. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Agricultural Conservation Program.

There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms estimated by the Agricultural Adjustment Administration with respect to which a payment (prior to deduction of any administrative expenses) of not more than \$20 will be made.

Sec. 10. Payments Restricted to Effectuation of the Purposes of the Program.- All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the Director of the Southern Division.

Sec. 11. Payments Computed and Made Without Regard to Claims.- Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 12. Changes in Leasing and Cropping Agreements and Other Devices.- If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed any other scheme or device whatsoever, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1938 Agricultural Conservation Program.

Sec. 13. Deductions Incurred on Other Farms.- If a person who makes application for payment with respect to any farm operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash any other farm(s) in the county, and for such other farm(s) an application under which a payment can be made is not filed and deductions computed under Sec. 4, excluding item (4), exceed the amount computed for such other farms under items (1) through (6) (excluding item (1) when the general soil-depleting goal is determined to be as large as the usual acreage of general soil-depleting crops) of Sec. 3, the payment to be made to such person shall be decreased by an amount equal to such person's share (to be determined in accordance with the provisions of Sec. 8) of such deductions in excess of such amount computed under Sec. 3.

The provisions of this Sec. 13 shall be extended to include farms in two or more counties in the State which any person operates, rents to another person for a share of the crops produced thereon, or field-rents to other persons for cash, if the State committee finds that the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1938 Agricultural Conservation Program.

Sec. 14. Productivity Indexes.- The Secretary shall establish for each county a county productivity index which will vary among the counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, grain sorghums, soybeans, sorghum for syrup, Irish potatoes (except in counties in which Irish potato goals are established), sweetpotatoes, and broomcorn varies as com-



pared with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index shall in accordance with instructions issued by the Agricultural Adjustment Administration be established for each farm by the county committee, subject to the approval of the State committee. Such productivity index shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of such other crops as does reflect the productivity of the farm may be used, provided that the productivity index for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index for all farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Agricultural Adjustment Administration.

Sec. 15. Cotton, Tobacco, Peanut, Rice, and Irish Potato Yields.- (a) There shall be established for each county having a cotton, tobacco, peanut, rice, or Irish potato goal the county average yield for each such crop for which a county goal is established. Such county average yield shall be determined by the Agricultural Adjustment Administration on the basis of average yields in the county during the ten-year period 1927 to 1936, inclusive, or such combination of five or more years as it is determined most accurately represents the normal yield of such crop in such county. If annual county yields are not available for any crop, the yields for census years and for other years for which data on yields are available to the Agricultural Adjustment Administration and the yields established under the 1937 Agricultural Conservation Program shall be used as a basis for establishing county yields.

(b) The county committee shall establish for each farm having a cotton, tobacco, peanut, rice, or Irish potato goal a yield per acre for each such crop for which a goal for such crop is established. Such yield designated for any farm shall be that yield which the county committee, acting in accordance with applicable instructions, finds from all available facts to be the yield which could reasonably be expected from the land devoted to the production of such crop. In designating the yield due consideration shall be given by the committee to the trend of yield per acre as well as the type of soil, drainage, erosion, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The

weighted average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for such crop, unless it is determined that farms for which such yields are established are not representative of all farms in the county producing such crop and a variation from the county average yield is approved by the Agricultural Adjustment Administration.

Sec. 16. Application for Payment.-- (a) An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 8, a share in the payment with respect to the farm would be computed and who (1) is growing crops on such farm, is operating such farm, or is renting such farm to another person for a share of the crops grown thereon, or (2) is the owner of such farm and participates thereon in the carrying-out of soil-building practices in 1938.

(b) Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) When an application for payment is filed by a person with respect to a farm in a county a report (upon a prescribed form) shall be submitted covering farming operations on each other farm in the county which such person is operating, renting to another person for a share of the crops produced thereon, or field-rents to other persons for cash. Upon request by the State committee such person also shall submit a report (upon a prescribed form) covering farming operations on any farm in any other county in the State which he operates, rents to another person for a share of the crops grown thereon, or field-rents to other persons for cash.

(d) The payment with respect to any farm shall be computed on the basis of the performance under the 1938 Agricultural Conservation Program on such farm without regard to the performance on other farms, except as provided in Sec. 13. Two or more farms operated by the same person as a unit for a regular crop rotation, or as a unit with respect to workstock, farm machinery, and labor, may, for the purpose of computing payments with respect thereto, be considered one farm (if all of the persons entitled to share in the payment with respect to such farms agree thereto) unless the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration, that the combining of such farms will



result in payments not commensurate with performance thereon.

Sec. 17. Determination of County in Which a Farm is Located.-- A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

Sec. 18. Appeals.-- Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination: (a) eligibility to file an application for payment; (b) any soil-depleting or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall within 30 days after the receipt of the appeal inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the Director of the Southern Division to review the decision of the State committee.

Sec. 19. Instructions and Forms.-- The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with goals, 1938 acreages of crops and practices, and per acre rates of payment, and shall also provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00.

Sec. 20. Definitions.-- For the purposes of the 1938 Agricultural Conservation Program --

SECRETARY means the Secretary of Agriculture of the United States.

DIRECTOR OF THE SOUTHERN DIVISION means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the Southern Region.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

COUNTY means the political or civil division of a State designated as a county, or in the State of Louisiana as a parish.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FARM means all adjacent or nearby farm land owned by a person (a) which is operated by one person as all or part of the land operated by such person with workstock, farm machinery, and labor substantially separate from that for any other land, or (b) all or part of which is field-rented to and operated by other persons.

CROPLAND means farm land which is tilled annually or in a regular rotation but shall not include restoration land or any land which constitutes, or will constitute if such tillage is continued, a wind or water erosion hazard to the community because of the texture or slope of such land or because of climatic conditions, but shall include land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and shall include also land planted to commercial or non-commercial orchards other than abandoned orchards.

RESTORATION LAND means farm land, in areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion and areas containing large acreages unsuited to continuing production of cultivated crops, which has been cropped at least once since January 1, 1933, and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

COMMERCIAL ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and non-bearing vineyards), from which the principal part of the production is normally sold.

COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including Irish potatoes on farms where an Irish potato goal is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm.



NONCROP OPEN PASTURE means pasture land (other than rotation pasture and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING GOAL means the total soil-depleting goal established for the farm less the acreage included in each individual crop goal established for the farm and less the acreage of sugarcane for sugar grown on the farm in 1938.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than sugarcane for sugar and those for which individual crop goals are established on the farm.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

## 1938 AGRICULTURAL CONSERVATION PROGRAM

## Southern Region Bulletin 201 (Preliminary)

Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin, as amended February 19, 1938 (ACP-1938-3), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the Southern Region in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made. This bulletin includes all the provisions of said 1938 Agricultural Conservation Program Bulletin, which are applicable to the Southern Region, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the Southern Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation. Any increase or decrease in rates of payments and deductions with respect to any crop or other item of payment made because of the extent of participation in the program in connection with such crop or item of payment will not exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program are not applicable in the Southern Region to (1) counties for which special agricultural conservation programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by the Secretary and (2) land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section I. National and State Acreage Allotments and Goals.

A. National goals. The national goals in connection with the 1938 Agricultural Conservation Program are as follows:

1. The following acreages of soil-depleting crops:

Cotton	26,000,000 to 27,000,000 acres
Corn	94,000,000 to 97,000,000 acres



Tobacco

Flue-cured	850,000 to 875,000 acres
Burley	450,000 to 475,000 acres
Fire-cured and dark air-cured	170,000 to 180,000 acres
Cigar filler and binder	85,000 to 90,000 acres
Georgia-Florida Type 62	2,800 to 3,000 acres
Potatoes	3,100,000 to 3,300,000 acres
Peanuts	1,500,000 to 1,600,000 acres
Rice	825,000 to 875,000 acres
Total soil-depleting crops	275,000,000 to 290,000,000 acres

2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1933 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.

B. National and State soil-depleting acreage allotments and restoration land goals. National and State acreage allotments of soil-depleting crops and State restoration land goals will be determined by the Secretary.

Section II. County Acreage Allotments and Goals.

A. County acreage allotments of soil-depleting crops.

The Agricultural Adjustment Administration with the assistance of State committees shall establish county acreage allotments for total soil-depleting crops, and for cotton, wheat, tobacco, Irish potatoes, and peanuts for market, and goals for restoration land as hereinafter set forth. The soil-depleting acreage allotments for all counties in each State shall not exceed the applicable acreage allotment established for the State by the Secretary except as otherwise provided in this bulletin.

1. Total soil-depleting acreage allotments.

County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of five or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

2. Cotton acreage allotments. (a) County acreage allotments for cotton shall be determined as follows: The State acreage allotment of cotton (less 2 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State in making allotments to farms on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936 and 1937) shall be prorated among the counties in the State on the basis of the acreage planted to cotton during the five years, 1933 to 1937, inclusive, plus, in the applicable years, the acreage diverted from the production of cotton under agricultural adjustment and conservation programs, provided, that there shall be added to the acreage allotment for each county the number of acres, if any, required to provide an acreage allotment for each county of not less than 60 percent of the sum of (1) the acreage therein planted to cotton in 1937, and (2) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program.

(b) In any county where the Agricultural Adjustment Administration finds that there are one or more administrative areas which, because of differences in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas (1) on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from the production of cotton under the 1937 Agricultural Conservation Program, or, (2) if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, on the basis of the cotton soil-depleting base acreages established under the 1937 Agricultural Conservation Program, allotments to the farm within each such administrative area shall be made by distributing the allotment for such administrative area in the manner provided in section III for the apportionment of county cotton acreage allotments among farms.

3. Wheat acreage allotments. County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the ten years, 1928 to 1937, inclusive, plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such ten-year period was less than 50 percent, or more than 150 percent, of the average computed for the other nine years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936 and 1937, and to the acreages so seeded and diverted during the ten-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.



4. Tobacco acreage allotments. County acreage allotments for each kind of tobacco shall be established by distributing the State acreage allotment for each kind of tobacco among the counties in the State on the basis of the total acreage planted to each kind of tobacco in the county during the years 1933 to 1937, inclusive, plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs, with adjustments that are necessary to make correction for abnormal conditions of production, for small farms, and for trends in acreage giving due consideration to seed bed and other plant diseases during such five-year period.

5. Irish Potato acreage allotments. County acreage allotments for Irish potatoes for counties in the areas designated by the Agricultural Adjustment Administration as commercial potato-producing areas shall be established by distributing the State acreage allotment of Irish potatoes among such counties in the State pro rata on the basis of the average acreage devoted to Irish potatoes in such counties during the years 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial Irish potato-producing farms as reflected by the acreage planted to Irish potatoes in 1937, as compared with the average acreage planted during such five-year period and also taking into consideration the acreage of Irish potatoes on non-commercial potato-producing farms.

6. Peanut acreage allotments. County acreage allotments of peanuts for market for counties in the areas designated by the Agricultural Adjustment Administration as commercial peanut-producing areas shall be established by distributing the state acreage allotment of peanuts among such counties in the State pro rata on the basis of the base acreages for peanuts established for such counties under the 1937 Agricultural Conservation Program, taking into consideration trends in acreage on commercial peanut-producing farms.

B. County Restoration land goals. County goals for restoration land shall be established by distributing the State restoration land goal among the counties in the areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, on the basis of the amount of land in such counties which was cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

C. County soil-building goals. Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent wind and water erosion.

Section III. Farm Acreage Allotments and Goals. The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, restoration land goals, and soil-building practice goals, in accordance with provisions contained herein

and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

A. Soil-depleting acreage allotments.

1. Total soil-depleting acreage allotment. The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

2. Cotton allotment.

(a) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one of the years 1935, 1936, and 1937, inclusive, in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1937 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of wheat, tobacco, or rice for market or for feeding to livestock for market: except that (1) the cotton acreage allotment for any farm on which five acres or less were planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937, shall be the highest number of acres so planted and diverted in such years if the county cotton acreage allotment is sufficient therefor; (2) the cotton acreage allotment for any farm on which more than five acres were planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937 shall not be less than five acres, if the county acreage allotment is sufficient therefor; (3) notwithstanding the foregoing provisions of this paragraph (a), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms pursuant to clauses (1) and (2) above may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937, and for which the allotment otherwise provided is five acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937. In making such allotments under clause (3) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not increase the allotment to any



farm above 15 acres. In no event shall the allotment for any farm under this paragraph (a) exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937.

(b) That portion of the State acreage allotment not apportioned among the counties under Section II, subsection A, paragraph 2 (a), hereof shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937 so as to result in comparable allotments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose as it finds reasonable on the basis of the data so reported.

3. Wheat allotment. Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937 on the basis of tillable acreage, crop rotation practices, type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat was not seeded for harvest in any of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil and topography. The wheat allotment for any farm shall be comparable with the wheat allotment determined for other farms in the same community which are similar with respect to such factors. No wheat acreage allotment shall be established for any class B farm for which the normal production of wheat for market is less than 100 bushels.

4. Tobacco allotment. Acreage allotments for each kind of tobacco shall be determined on the basis of past acreages of each kind of tobacco with due allowance for the effects of abnormal weather conditions and plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The allotment for any farm on which tobacco was grown in one or more of the years 1934 to 1937, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors; provided, that in the case of flue-cured and Burley tobacco, special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is to be produced in 1938 for the first time since 1933 shall not exceed 75 percent of the allotment for other farms in

the same community on which tobacco was produced since (but not including) 1933 which are similar with respect to land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

5. Irish Potato Allotment. In counties included in the commercial Irish potato-producing areas allotments shall be determined for each farm normally producing Irish potatoes excluding farms on which the acreage normally planted to Irish potatoes for market is determined to be less than three acres. No Irish potato acreage allotment shall be less than three acres. Irish potato acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, production facilities, and the acreage of Irish potatoes customarily grown on the farm. The Irish potato acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

6. Peanut allotment. In counties included in the commercial peanut-producing areas a peanut acreage allotment shall be determined for each farm on which peanuts for market were produced in any of the years 1935, 1936, and 1937. Peanut acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, and the acreage of peanuts for market customarily grown on the farm. The peanut acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

7. Rice allotment. (a) A rice acreage allotment shall be determined for each farm on which rice is grown in 1938 on the basis of the rice acreage apportioned to the persons participating in the production of rice on such farm in 1938 and allocated by them to such farm, the acreage on the farm suited to rice production and for which water is readily available, and the acreage of rice customarily grown by such persons. The rice acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

(b) The State rice acreage allotment (less 1 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State for apportionment as provided in paragraph 7 (c) below) shall be apportioned by the State committee, in accordance with instructions issued by the Agricultural Adjustment Administration, among the persons in the State who are participating in the production of rice in 1938 on the basis of their production of rice during the years 1933 to 1937, inclusive; land, labor, equipment, and water available for the production of rice; crop rotation practices, soil fertility, and other physical factors affecting the production of rice.

(c) That portion of the State rice acreage allotment not apportioned among farms pursuant to paragraph 7 (b) above, shall be



apportioned by the State committee, in accordance with instructions issued by the Agricultural Adjustment Administration among the persons in the State who are participating in the production of rice in 1938 but who did not participate in the production of rice in any one of the years 1933 to 1937, inclusive, on the basis of land, labor, equipment, and water available for the production of rice; crop rotation practices, soil fertility, and other physical factors affecting the production of rice.

8. General crop allotment. A general crop acreage allotment shall be determined for each class A farm. Such general crop acreage allotment shall be the total soil-depleting acreage allotment in excess of the sum of (1) the individual crop acreage allotments established for the farm, and (2) the acreage of sugar beets grown on the farm in 1938.

B. Restoration land and soil-building goals.

1. Restoration land goal. Restoration land goals shall be determined on the basis of the land on the farm which was cropped at least once since January 1, 1930 but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

2. Soil-building goal. The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section IV, sub-section C, with respect to the soil-conserving acreage for class A farms, the acreage of cropland with respect to which a payment of 70 cents per acre is computed for class B farms, and the commercial vegetable acreage, commercial orchards, and noncrop pasture land for all farms. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent wind and water erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

C. Posting of acreage allotments. All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

Section IV. Payment For Full Performance. Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building and restoration land goals in an amount which shall be the sum of the following:

A. Soil-depleting acreage allotments.

1. Cotton - 2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage

allotment; or, if the acreage planted to cotton is less than 80 percent of the cotton acreage allotment and the county committee finds that the failure to plant 80 percent of such cotton acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to cotton.

2. Wheat - 12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat.

3. Tobacco - The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

(a) Burley	0.5 cents
(b) Flue-cured	1.0 cents
(c) Georgia-Florida Type 45	1.0 cents
(d) Georgia-Florida Type 62	1.5 cents

Provided, That if the acreage planted to Georgia-Florida type 45 tobacco is less than 80 percent of the acreage allotment therefor and the county committee finds that the failure to plant 80 percent of the acreage allotment was not due to flood, drought, or plant-bed diseases, the payment shall be computed on 125 percent of the acreage planted to Georgia type 45 tobacco.

4. Irish potatoes - 3 cents per bushel of the normal yield per acre of Irish potatoes for the farm for each acre of Irish potatoes planted on the farm in 1938 not in excess of the Irish potato acreage allotment.

5. Peanuts - 0.2 of a cent per pound of the normal yield per acre of peanuts for market for the farm for each acre in the peanut acreage allotment.

6. Rice - 0.125 of a cent per pound of the normal yield per acre of rice for the farm for each acre in the rice acreage allotment; or, if the acreage planted to rice is less than 80 percent of the rice acreage allotment and the county committee finds that failure to plant 80 percent of such rice acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to rice.

7. General soil-depleting crops on class A farms - \$1.25 per acre, adjusted for productivity, for each acre in the general crop acreage allotment in excess of one-half of the cotton acreage allotment established for the farm.



B. Restoration land goals -

1. 50 cents per acre for each acre in the restoration land goal established for the farm.

C. Payments in connection with soil-building practices -

1. 50 cents per acre of cropland in the farm in excess of the total soil-depleting acreage allotment for the farm (application only to class A farms in Arkansas, Oklahoma and Texas).

2. \$1.50 per acre of the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937.

3. \$2.00 per acre of commercial orchards on the farm January 1, 1938.

4. a. 2 cents per acre of noncrop open pasture land in the farm, plus \$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in Oklahoma and Texas.

b. 25 cents per acre of fenced noncrop open pasture land in excess of one half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in all States other than Oklahoma and Texas.

5. 70 cents per acre of cropland on any class B farm in excess of the sum of (1) the wheat, rice, Irish potato, peanut, Georgia-Florida type 45 tobacco, and Georgia-Florida type 62 tobacco acreage allotments established for the farm; (2) the acreage of sugarcane for sugar grown on the farm in 1938; and (3) two times the cotton, and flue-cured and Burley tobacco acreage allotments established for the farm.

Section V. Payments for Partial Performance. Payments computed for any farm under the provisions of Section IV shall be subject to all of the following deductions which are applicable to the farm.

A. Deductions for excess acreages of soil-depleting crops.

1. Cotton - 5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton acreage allotment.

2. Tobacco, Irish potatoes, and peanuts - 10 times the payment rate specified in section IV for the normal yield for the farm on the acreages by which the acreages of flue-cured tobacco, Burley tobacco, Georgia-Florida type 45 tobacco, Georgia-Florida type 62 tobacco, Irish potatoes, and peanuts for market exceed the respective acreage allotments established for such crops, and on farms for which Irish potato acreage allotments are not established in designated commercial areas on each acre by which the acreage of Irish potatoes exceeds three acres.

3. Rice - 8 times the payment rate specified in section IV for the normal yield for the farm on the acreage by which the rice acreage exceeds the rice acreage allotment.

4. Commercial vegetables - In counties designated by the Agricultural Adjustment Administration as counties where commercial vegetables and Irish potatoes are grown generally on the same farms, a deduction shall be made from the payment with respect to any farm having an Irish potato acreage allotment, for each acre on which commercial vegetables are grown in 1938 in excess of the annual average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years), such deduction to be at the rate applicable to the farm under this section V with respect to Irish potatoes. On farms where adjustments for abnormal weather conditions are made in the acreage of commercial vegetables grown in 1936 and 1937 as provided in this item 4, such adjusted acreage shall also be used under item 2 of subsection C of section IV in computing the payment with respect to the farm.

5. Total soil-depleting acreage allotments. The following applicable rate for each acre of soil-depleting crops in excess of the total soil-depleting acreage allotment, less the acreages for which deductions are made under items 1 to 4, inclusive, of this subsection A:

a. 8 times the rate of payment with respect to the wheat acreage allotment if a wheat acreage allotment is established for the farm.

b. 8 times the rate of payment with respect to the general soil-depleting acreage allotment if the farm is a class A farm and a wheat acreage allotment is not established therefor.

c. \$6.00 per acre if the farm is a class B farm and a cotton, tobacco, peanut, Irish potato or rice acreage allotment but no wheat acreage allotment is established for the farm.

B. Deductions for failure to carry out soil-building practices and conservation measures.

1. \$1.50 for each unit by which the soil-building goal is not reached.

2. \$1.00 for each acre of restoration land on which there are not carried out in 1938 conservation measures specified by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration.

C. Failure to prevent wind and water erosion. \$1.00 for each acre of land, other than restoration land, in an area designated by the Agricultural Adjustment Administration as subject to serious wind or water erosion hazards with respect to which there are not adopted in 1938 methods recommended by the State committee and approved by the



Agricultural Adjustment Administration for the prevention of wind or water erosion.

D. Deduction for breaking out of native sod. \$3.00 for each acre of native sod or any other land which was cropped but is not classified as cropland or pasture land which, in areas designated by the Agricultural Adjustment Administration as being areas subject to serious wind erosion or areas containing large acreages unsuited to continuing production of cultivated crops, is broken out during the period November 1, 1937 to October 31, 1938, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such acreage of cropland to be in addition to that designated as restoration land.

#### Section VI. Division of Payments and Deductions.

A. Payments and deductions in connection with acreage allotments and restoration land goals. The net payment or net deduction computed for any farm with respect to the cotton, rice, wheat, tobacco, peanut, Irish potato, or general crop acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds of the cotton, rice wheat, tobacco, peanuts for market, Irish potato, or general crops, respectively, grown on the farm in 1938.

The net payment or net deduction computed for any farm with respect to the restoration land goal shall be divided in the same proportion that any payment with respect to the wheat acreage allotment for such farm is divided among landlords, tenant, and sharecroppers, provided, that if no payment is computed with respect to a wheat acreage allotment for such farm, payment with respect to the restoration land goal shall be divided in the same proportion that any payment in connection with the general soil-depleting acreage allotment for such farm is, or would be, divided among landlords, tenants, and sharecroppers. In the event that restoration land is designated for a farm which is not operated by a tenant in 1938, payment, if any, with respect to such restoration land goal shall be made to the owner of such farm.

In computing such net payments and net deductions with respect to acreage allotments and restoration land goals, the deduction with respect to commercial vegetables (item 4, subsection A) shall be regarded as a deduction with respect to the Irish potato acreage allotment, and the total amount of deductions computed under Section V with respect to (1) soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 5, subsection A); (2) failure to prevent wind and water erosion (subsection C); and (3) breaking out of native sod (subsection D) shall be regarded (a) as deductions with respect to the wheat acreage allotment and the general crop acreage allotment on class A farms; (b) as deductions with respect to the wheat acreage allotment on class B farms for which a wheat acreage allotment is established; (c) as deductions with respect to

individual crop acreage allotments and the restoration land goal on class B farms for which a wheat acreage allotment is not established; or (d) as deductions with respect to the soil-building goal on class B farms for which no individual crop acreage allotments or restoration land goal is established.

In the event that cotton, rice, wheat, tobacco, peanuts, or general crops are not harvested in 1938 on the farm, the payment, if any, with respect to the acreage allotment for such crop, or group of crops, shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such person would have shared in the proceeds of such crop had such crop been harvested on the farm in 1938.

B. Payments with respect to soil-building practices. The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

C. Proration of net deductions. If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm, the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

Section VII. Increase in Small Payments. The total payment computed under sections IV to VI inclusive for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;



...amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule;

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
1.00 to 1.99	\$0.40	\$31.00 to \$31.99	10.20
2.00 to 2.99	0.80	32.00 to 32.99	10.40
3.00 to 3.99	1.20	33.00 to 33.99	10.60
4.00 to 4.99	1.60	34.00 to 34.99	10.80
5.00 to 5.99	2.00	35.00 to 35.99	11.00
6.00 to 6.99	2.40	36.00 to 36.99	11.20
7.00 to 7.99	2.80	37.00 to 37.99	11.40
8.00 to 8.99	3.20	38.00 to 38.99	11.60
9.00 to 9.99	3.60	39.00 to 39.99	11.80
10.00 to 10.99	4.00	40.00 to 40.99	12.00
11.00 to 11.99	4.40	41.00 to 41.99	12.10
12.00 to 12.99	4.80	42.00 to 42.99	12.20
13.00 to 13.99	5.20	43.00 to 43.99	12.30
14.00 to 14.99	5.60	44.00 to 44.99	12.40
15.00 to 15.99	6.00	45.00 to 45.99	12.50
16.00 to 16.99	6.40	46.00 to 46.99	12.60
17.00 to 17.99	6.80	47.00 to 47.99	12.70
18.00 to 18.99	7.20	48.00 to 48.99	12.80
19.00 to 19.99	7.60	49.00 to 49.99	12.90
20.00 to 20.99	8.00	50.00 to 50.99	13.00
21.00 to 21.99	8.20	51.00 to 51.99	13.10
22.00 to 22.99	8.40	52.00 to 52.99	13.20
23.00 to 23.99	8.60	53.00 to 53.99	13.30
24.00 to 24.99	8.80	54.00 to 54.99	13.40
25.00 to 25.99	9.00	55.00 to 55.99	13.50
26.00 to 26.99	9.20	56.00 to 56.99	13.60
27.00 to 27.99	9.40	57.00 to 57.99	13.70
28.00 to 28.99	9.60	58.00 to 58.99	13.80
29.00 to 29.99	9.80	59.00 to 59.99	13.90
30.00 to 30.99	10.00	60.00 to 185.99	14.00
		186.00 to 199.99	Increase to 200.00
		200.00 and over	No increase

#### Section VIII. Deductions Incurred on Other Farms.

A. Other farms in the same county. If the deductions computed under Section V with respect to any farm exceed the payment for full performance on such farm computed under Section IV, any person's share of the amount by which such deductions exceed such payments shall be deducted from such person's share of the payments which would otherwise be made to him with respect to any other farms in the county.

B. Other farms in the State. If the deductions computed for any person with respect to one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for such person with respect to any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farms with respect to which such deductions are computed are such as substantially to offset the contribution to the program made on such other farms.

Section IX. Deduction for Association Expenses. There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

Section X. Materials Furnished as Grants of Aid. Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm, on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be repaid by him to the Secretary of Agriculture.

Section XI. General Provisions Relating to Payments.

A. Payment restricted to effectuation of purposes of the program. All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2), if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices.

If on any class B farm for which no wheat, cotton, tobacco, peanut, Irish potato, or rice acreage allotment is established, the acreage seeded to soil-depleting crops in 1938 is in excess of 50



acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 5 (c) of sub-section A of Section V shall be applicable to such farm, if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm.

B. Payment computed and made without regard to claims.  
Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section XI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. Changes in leasing and cropping agreements; reduction in number of tenants, and other devices. If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

If, on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

D. Assignments. Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized

unless (1) the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and is acknowledged by the farmer before the county agricultural extension agent and filed with such agent; (2) the farmer files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing in the provisions of this section shall be construed to give any assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. Excess cotton acreage. Any person who has an interest in a farm on which cotton is planted in 1938 and who makes application for payment with respect to any farm, shall file with such application a statement verified by affidavit that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938 under Section 344 of the Agricultural Adjustment Act of 1938 in connection with cotton marketing quotas, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment for the farm established in connection with cotton marketing quotas under Section 344 of the Agricultural Adjustment Act of 1938 and regulations issued in connection therewith shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. A person shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of his allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

F. Use of Soil-conserving crops for market. No payment will be made with respect to any farm unless on such farm in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for such farm or (2) the acreage devoted to soil-depleting crops on such farm in 1938.



Provided, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed ten percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than ten percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under Section XIII hereof.

## Section XII. Application for Payment.

A. Persons eligible to file applications. An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is

entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

B. Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Applications for other farms. If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

Section XIII. Soil-Depleting Crops. Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting.

A. Land planted to the following crops for harvest in 1938:

1. Corn (including field corn, sweet corn, and popcorn).
2. Tobacco.
3. Grain sorghums.
4. Cotton.
5. Sugarcane.
6. Rice.
7. Peanuts harvested for nuts or dug for hay.
8. Broomcorn.
9. Cultivated sunflowers.
10. Truck and vegetable crops (including strawberries, melons, and sweetpotatoes).
11. Irish potatoes.
12. Bulbs and flowers.
13. Canning peas.



B. Land planted to wheat harvested for grain or hay in 1938 or any other land planted to wheat between August 1, 1937 and July 31, 1938, except

1. When, in humid areas, (a) the acreage of such crop is used as a nurse crop or cover crop and is not harvested for grain or hay, or (b) a good stand and good growth of such crop is used as a green manure crop.

2. When in designated non-humid areas of Oklahoma and Texas, the acreage of such crop seeded in the fall of 1937 is tilled, before a date to be specified by the Agricultural Adjustment Administration, in preparation for another crop or in connection with an approved conservation measure, provided, that in such areas the conservation measure to be instituted before the specified date shall be approved by the county committee and the land to be so handled shall be designated in accordance with instructions issued by the Agricultural Adjustment Administration. Such areas shall include the following counties and all other counties in Oklahoma and Texas lying west of these counties:

Oklahoma: Kay, Noble, Logan, Oklahoma, Canadian  
Grady, Comanche, and Cotton.

Texas: Clay, Jack, Palopinto, Erath, Hamilton,  
Lampasas, Burnett, Blanco, Kendall,  
Bandera, Medina, Atascosa, Live Oak,  
Jim Wells, and Kleberg.

C. Land planted to oats, barley, rye, flax, or mixtures of these crops, between August 1, 1937 and July 31, 1938, except

1. When a good stand and good growth of such crop is used as a green manure crop; or

2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

D. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, or millet, harvested for grain, seed, sirup, or silage.

E. Land planted in 1938 to soybeans harvested for seed for crushing.

F. Land summer fallowed in any area if such summer-fallowed acreage is not protected from wind and water erosion by methods recommended by the State committee and approved by the Director of the Southern Division.

The acreage of land which is devoted consecutively to two or more of the above soil-depleting crops in 1938 shall be counted as follows: If only one of such crops reaches maturity such land shall be regarded as devoted to the crop reaching maturity. If none

of such crops reaches maturity or if more than one of such crops reach maturity, and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established. If none of such crops reaches maturity and individual crop acreage allotments are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established. If two or more of such crops reach maturity and individual crop acreage allotments are established for two or more of such crops reaching maturity, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established. If one or more of such crops reach maturity and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously to two or more of the above soil-depleting crops shall be divided among such crops on the basis of the land determined in accordance with instructions issued by the Agricultural Adjustment Administration to be devoted to each.

In connection with determinations regarding the maturity of crops, canning peas will be deemed to have reached maturity when such crops are harvested for canning and field corn, sweet corn, and popcorn hogged off or cut for silage, fodder or other similar uses, will be deemed to have reached maturity.

Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

Section XIV. Soil-Building Practices. The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in accordance with specifications issued by the regional director, or by the State committee with the approval of the regional director. The specifications issued shall be such as to assure that the soil-building practice will be performed in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.



If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

Schedule of Soil-Building Practices

A. Each of the following practices in the amounts specified shall be counted as one unit, provided that when the materials specified in items 1 or 2 are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or natal grasses seeded or grown in connection with a soil-depleting crop no part of the material applied shall be counted.

1. Application of 500 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

2. Application of 500 pounds of basic slag or rock phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

3. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

4. Construction of reservoirs and dams - 15 cubic yards of material moved in making the fill or excavation.

5. Reseeding depleted pastures with good seed of adapted pasture grasses and legumes - 10 pounds of seed.

6. Contour ridging of noncrop open pasture land - 750 linear feet of ridge or terrace.

7. Application of not less than two tons, air dry weight, of straw or equivalent mulching materials, excluding barnyard and stable manure, per acre in commercial orchards or on commercial vegetable land.

8. Application of 1500 pounds of ground limestone or its equivalent.

9. Restoration of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period.

B. Each acre of the following shall be counted as one unit:

10. Seeding biennial legumes, perennial legumes, peren-

grasses (other than timothy or redtop) or mixtures (other than a mixture consisting solely of timothy and redtop) containing perennial grasses, perennial legumes, or biennial legumes (except permanent pasture mixtures qualifying under practice No. 13).

11. Seeding winter legumes, annual lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover.

12. Green manure crops and cover crops (excluding (1) lespedeza, (2) any crop for which credit is given in 1938 under any other practice, and (3) wheat in Oklahoma and Texas), of which a good stand and good growth is (1) plowed or disced under on land not subject to erosion, or if subject to erosion, such crop is followed by a winter cover crop, or (2) in orchards or on commercial vegetable or Irish potato land, or on cropland in a regular cropping rotation, is left on the land as a temporary mulch.

C. Each acre of the following shall be counted as two units:

13. Seeding permanent pasture mixtures containing a full seeding of legumes and/or grasses other than timothy and redtop (applicable only on class B farms).

14. Cultivating, protecting, and maintaining by replanting if necessary, a good stand of forest trees, planted between January 1, 1934 and January 1, 1938.

15. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses.

D. Each acre of the following shall be counted as five units:

16. Planting forest trees (including shrubs in protective plantings) provided such trees are protected and cultivated in accordance with good tree culture practice.

17. In Oklahoma control of seriously infested plots of bindweed (*convulvulus arvensis*) on cropland in organized weed control districts including counties where county officials are cooperating under the State control law, in accordance with good chemical or tillage methods.

E. Each two acres of the following shall be counted as one unit:

18. Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is left on the land or turned under (but not hogged off) provided the summer legume occupies at least one-third of the land.



19. Seeding timothy or redbud or mixtures consisting solely of timothy and redbud.

F. Each four acres of the following shall be counted as one unit:

20. In Oklahoma and Texas, leaving on the land as a protection against wind erosion (only in wind erosion areas, which will be designated by the regional director) the stalks of sorghums or Sudan grass, classified as soil-depleting, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1939.

21. Contour listing or furrowing noncrop land.

22. Stripcropping other than for protection of summer-fallowed acreage.

23. In Oklahoma and Texas, protecting summer-fallowed acreage from wind and water erosion by contour or basin listing, stripcropping, or incorporating small-grain stubble and straw into the surface soil. No credit will be given for this practice on any farm when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover has resulted in the land becoming subject to serious wind erosion.

H. Each eight acres of the following shall be counted as one unit:

24. In Oklahoma and Texas contour farming intertilled crops.

25. In Oklahoma and Texas contour listing or basin listing on the contour. No credit will be given for this practice when carried out on protected summer-fallowed acreage or as part of the seeding operation.

I. Each ten acres of the following shall be counted as one unit:

26. In Oklahoma and Texas contour seeding of small-grain crops.

27. In Oklahoma and Texas basin listing (not on the contour). No credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

28. In Oklahoma and Texas natural vegetative cover or small-grain stubble of crops harvested in 1938 left on cropland not tilled after July 1, 1938, where it is determined by the county committee that such cover

is necessary as a protection against wind erosion (only in wind erosion areas which will be designated by the Director of the Southern Division) and the operator's farming plan provides that such cover will be left on the land until the spring of 1939.

Section XV. Normal Yields and Productivity Indexes.

A. Normal yields of special soil-depleting crops. The county committee with the assistance of other local committees in the county shall determine for each farm for which a cotton, wheat, rice, tobacco, peanut or Irish potato acreage allotment is to be established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

1. Cotton -

(a) Where reliable records of the actual average yield of cotton per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted in the manner provided in subsection C below, for abnormal weather conditions.

(b) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under subsection (a) of this section.

(c) The average of all the yields so determined for all farms in a county or administrative area (weighted by cotton acreage allotments established for such farms) shall be adjusted so as to conform to the county (or administrative area) average yield established by the Secretary.

2. Wheat -

(a) Where reliable records of the actual average yield per acre of wheat, for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield



for the farm shall be the average of such yields adjusted for trends and adjusted in the manner provided in subsection C below for abnormal weather conditions, and

(b) If, for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices and general fertility of the land the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph 2 (a) of this subsection. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield of wheat for such year shall be used as the actual yield for such year. If for any combination of years in such ten-year period reliable records of the actual average yield are not available or there was no actual yield during such years, the yield obtained by multiplying such index by the county average yield for such combination of years shall be the actual yield for each year of such combination of years.

(c) The average of all the yields so determined for all farms in the county (weighted by the wheat acreage allotments established for such farms) shall be adjusted so as to conform to the county average yield established by the Secretary.

### 3. Rice -

(a) Where reliable records of the actual average yield of rice per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(b) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices and general fertility of the land, the yield which was or could reasonably have been expected on the

farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph 3 (a) of this subsection.

(c) If the average of the normal yields for all lands planted to rice in 1938 in the State (weighted by the rice acreage allotments therein) exceeds the average yield per acre for the State during the period 1933 to 1937, inclusive, established by the Secretary, the normal yields for such lands, determined under paragraphs 3(a) and 3(b) of this subsection, shall be reduced pro rata so that the average of such normal yields shall not exceed such State average yield.

4. Tobacco, peanuts, Irish potatoes.

(a) The normal yield of tobacco, peanuts for market, or Irish potatoes, as the case may be, for any farms shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

B. Productivity Indexes. The Secretary shall establish for each county a county productivity index or per-acre rate which will vary among the counties as the productivity of the cropland in the county devoted to the production of general soil-depleting crops varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index or rate per acre shall be established in accordance with instructions issued by the Agricultural Adjustment Administration, for each class A farm by the county committee. Such productivity index or rate per acre shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of any other crop that reflects the productivity of the farm may be used, provided that the productivity index or rate per acre for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes or rates per acre for other farms in the county having similar soils or



productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index or pre-acre rate of all farms in the county shall not exceed 100 or the county per-acre rate, respectively, unless it is determined that farms for which such indexes or rates per acre are established are not representative of all farms in the county and a variation from 100 or the county per-acre rate is approved by the Agricultural Adjustment Administration.

C. Adjustment for abnormal weather conditions. In determining normal yields for cotton, and wheat, respectively, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural causes, the yield in any year of the five-year or ten-year period, as the case may be, as determined under subsection A, 1, in the case of cotton, or subsection A, 2 in the case of wheat, is less than 75 percent of the average computed without regard to such year, such year shall be eliminated in calculating the normal yield per acre.

Section XVI. Appeals - Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall inform such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Section XVII. State and Regional Bulletins, Instructions, and Forms. - The Agricultural Adjustment Administration shall prepare and issue such State

and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

Section XVIII. Definitions. - For the purposes of the 1938 Agricultural Conservation Program

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR or DIRECTOR OF THE SOUTHERN DIVISION means the director of the Southern Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the Southern Region.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

FARM means all adjacent or nearby farm land under the ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such



farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops:

Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

Class A farms are farms for which general crop acreage allotments are established and include:

1. All farms in the following counties in Arkansas; Benton, Carroll, Boone, Marion, Baxter, Fulton, Sharp, Randolph, Clay, Independence, Lawrence, Greene, Washington, Madison, Newton, Searcy, Stone, Crawford, Franklin, Johnson, Van Buren, Sebastian, Logan, Scott, Yell, Perry, Saline, Grant, Lonoke, Prairie, Arkansas.
2. All farms in Oklahoma and Texas.

Class B farms means all farms which are not class A farms.

CROPLAND means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, restoration land, and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community, but including any other land which has been planted since January 1, 1934, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to non-commercial orchards other than abandoned orchards.

RESTORATION LAND means farm land, in areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, which was cropped at least once since January 1, 1930 and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

COTTON means cotton the staple of which is normally less than 1 1/2 inches in length. American-Egyptian cotton, Sea Island cotton, and any other cotton, the staple of which is normally 1 1/2 inches or more in length shall be considered as general soil-depleting crops and not as cotton in connection with the 1938 Agricultural Conservation Program.

COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including Irish potatoes on farms where an Irish potato goal is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

PEANUTS FOR MARKET means only those peanuts separated from the vines by mechanical means and from which the principal part of the production is sold to persons off the farm.

SOIL-CONSERVING ACREAGE means the total acreage of cropland in any class A farm in excess of the total soil-depleting acreage allotment established for the farm.

NONCROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops other than sugar beets and sugarcane for sugar and those for which individual crop goals are established on the farm.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.





## UNITED STATES DEPARTMENT OF AGRICULTURE

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

## SOUTHERN DIVISION

## 1938 AGRICULTURAL CONSERVATION PROGRAM

## SOUTHERN REGION BULLETIN 201

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Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin, as amended February 19, 1938 (ACP-1938-3), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the Southern Region in the 1938 Agricultural Conservation Program in accordance with the provisions of this Southern Region Bulletin 201 (SRB-201) and such modifications thereof or other provisions as may hereafter be made. This Southern Region Bulletin includes all the provisions of said 1938 Agricultural Conservation Program Bulletin which are applicable to the Southern Region, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the Southern Division.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation. Any increase or decrease in rates of payments and deductions with respect to any crop or other item of payment made because of the extent of participation in the program in connection with such crop or item of payment will not exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are not applicable in the Southern Region to (1) counties for which special programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by the Secretary and (2) land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

## SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS

**A. National Goals.**—The national goals in connection with the 1938 Agricultural Conservation Program are as follows:

1. The following acreages of soil-depleting crops:

	Acres	
Cotton-----	26, 000, 000 to	27, 000, 000
Corn-----	94, 000, 000 to	97, 000, 000
Tobacco:		
Flue-cured-----	850, 000 to	875, 000
Burley-----	450, 000 to	475, 000
Fire-cured and dark air-cured-----	170, 000 to	180, 000
Cigar filler and binder-----	85, 000 to	90, 000
Georgia-Florida Type 62-----	2, 800 to	3, 000
Irish potatoes-----	3, 100, 000 to	3, 300, 000
Peanuts-----	1, 500, 000 to	1, 600, 000
Rice-----	825, 000 to	875, 000
Total soil-depleting crops-----	275, 000, 000 to	290, 000, 000

2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production

of cultivated crops; and the carrying-out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.

**B. National and State Soil-Depleting Acreage Allotments and Restoration Land Goals.**—National and State acreage allotments of soil-depleting crops and State restoration land goals will be determined by the Secretary.

## SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS

**A. County Acreage Allotments of Soil-Depleting Crops.**—The Agricultural Adjustment Administration with the assistance of State committees shall establish county acreage allotments for total soil-depleting crops, and for cotton, wheat, tobacco, Irish potatoes, and peanuts for market, and goals for restoration land as hereinafter set forth. The soil-depleting acreage allotments for all counties in each State shall not exceed the applicable acreage allotment established for the State by the Secretary, except as otherwise provided in this bulletin.

**1. Total Soil-Depleting Acreage Allotments.**—County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of 5 or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

**2. Cotton Acreage Allotments.**—(a) County acreage allotments for cotton shall be determined as follows: The State acreage allotment of cotton (less 2 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State in making allotments to farms on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937) shall be prorated among the counties in the State on the basis of the acreage planted to cotton during the 5 years, 1933 to 1937, inclusive, plus, in the applicable years, the acreage diverted from the production of cotton under agricultural adjustment and conservation programs, *provided*, that there shall be added to the acreage allotment for each county so determined the number of acres, if any, required to provide an acreage allotment for each county of not less than 60 percent of the sum of (1) the acreage therein planted to cotton in 1937, and (2) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program.

(b) In any county where the Agricultural Adjustment Administration finds that there are one or more administrative areas which, because of differences in types, kinds, and productivity of the soil or



other conditions, should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas (1) on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from the production of cotton under the 1937 Agricultural Conservation Program, or (2) if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, on the basis of the cotton soil-depleting base acreages established under the 1937 Agricultural Conservation Program. Allotments to the farms within each such administrative area shall be made by distributing the allotment for such administrative area in the manner provided in section III for the apportionment of county cotton acreage allotments among farms.

**3. Wheat Acreage Allotments.**—County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the 10 years, 1928 to 1937, inclusive, plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such 10-year period was less than 50 percent, or more than 150 percent, of the average computed for the other 9 years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the 10-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

**4. Tobacco Acreage Allotments.**—A county acreage allotment for each kind of tobacco shall be established by distributing the State acreage allotment for each kind of tobacco among the counties in the State on the basis of the base acreage of each kind of tobacco established for such counties under the 1937 Agricultural Conservation Program, taking into consideration allotments for small farms, trends in acreage, and plant-bed and other tobacco diseases.

**5. Irish Potato Acreage Allotments.**—County acreage allotments for Irish potatoes for the following counties which are designated as commercial Irish potato-producing areas shall be established by distributing their proportionate share of the State acreage allotment of Irish potatoes among such counties in the State pro rata on the basis of the average acreage devoted to Irish potatoes in such counties during the 5 years, 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial Irish potato-producing farms as reflected by the acreage planted to Irish potatoes in 1937, as compared with the average acreage planted during such 5-year period, and also taking into consideration the acreage of Irish potatoes on noncommercial potato-producing farms:

ALABAMA.—Escambia.

FLORIDA.—Counties, if any, will be designated at a later date.

GEORGIA.—Chatham and Effingham.

OKLAHOMA.—Le Flore, Muskogee, and Wagoner.

SOUTH CAROLINA.—Beaufort, Charleston, Colleton, Hampton, Horry, Jasper, and Orangeburg.

No counties will be designated in Arkansas, Louisiana, Mississippi, or Texas.

**6. Peanut Acreage Allotments.**—County acreage allotments of peanuts for market for the following counties which are designated as commercial peanut-producing areas shall be established by distributing their proportionate share of the State acreage allotment of peanuts among such counties in the State pro rata on the basis of the base acreages for peanuts established for such counties under the 1937 Agricultural Conservation Program, taking into consideration trends in acreage on commercial peanut-producing farms:

ALABAMA.—Barbour, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, and Pike.

FLORIDA.—Holmes and Jackson.

GEORGIA.—Baker, Ben Hill, Brooks, Calhoun, Clay, Colquitt, Crisp, Decatur, Dooley, Dougherty, Early, Grady, Houston, Irwin, Lee, Macon, Miller, Mitchell, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Terrell, Thomas, Tift, Turner, Webster, Wilcox, and Worth.

OKLAHOMA.—Bryan.

TEXAS.—Atascosa, Bexar, Comanche, Eastland, Frio, Gillespie, LaSalle, Medina, and Wilson.

No counties will be designated in Arkansas, Louisiana, Mississippi, or South Carolina.

**B. County Restoration Land Goals.**—County goals for restoration land shall be established by distributing the State restoration land goal among the counties in the areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, on the basis of the amount of land in such counties which was cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

**C. County Soil-Building Goals.**—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent wind and water erosion.

### SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, restoration land goals, and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration; and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.



### **A. Soil-Depleting Acreage Allotments:**

**1. Total Soil-Depleting Acreage Allotment.**—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and, when the Agricultural Adjustment Administration finds it applicable, the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

**2. Cotton Allotment.**—(a) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one of the years 1935, 1936, and 1937, in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1937 which was tilled annually or in regular rotation, exclusive of the acres of such land normally devoted to the production of wheat, tobacco, or rice for market or for feeding to livestock for market: except that (1) for any farm on which cotton was planted in any one of the years 1935, 1936, and 1937, and on which the highest acreage planted to cotton and diverted from the production of cotton in any one of these 3 years was less than 5 acres, the cotton acreage allotment for the farm shall be such highest number of acres, if the county cotton acreage allotment is sufficient therefor; (2) for any farm on which cotton was planted in any one of the years 1935, 1936, and 1937, and on which the highest number of acres planted to cotton and diverted from the production of cotton in any one of these 3 years was 5 acres or more, the allotment for the farm shall not be less than 5 acres, if the county cotton acreage allotment is sufficient therefor; (3) notwithstanding the foregoing provisions of this paragraph 2 (a), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from the production of cotton in any of the years 1935, 1936, and 1937, was 5 acres or less and the number of acres required for allotments of 5 acres for each other farm in the county on which cotton was planted in 1935, 1936, or 1937, may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937, and for which the allotment otherwise provided is 5 acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937. In making such allotments under clause (3) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this paragraph 2 (a) exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the 3 years 1935, 1936, and 1937.

(b) That portion of the State acreage allotment not apportioned among the counties under section II, subsection A, paragraph 2 (a), hereof shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937, so as to result in comparable allotments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, the soil, and other physical facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county, together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

**3. Wheat Allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in the county on which wheat was not seeded for harvest in any of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall be comparable with the wheat acreage allotment determined for other farms in the same community which are similar with respect to such factors. No wheat acreage allotment shall be established for any class B farm for which the normal production of wheat for market is less than 100 bushels.

**4. Tobacco Allotment.**—A farm acreage allotment for each kind of tobacco shall be determined on the basis of past acreages of each kind of tobacco with due allowance for the effects of abnormal weather conditions and plant-bed and other tobacco diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The tobacco acreage allotment for any farm on which tobacco was grown in one or more of the years 1934 to 1937, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors; *provided*, that, in the case of flue-cured and Burley tobacco, special consideration shall be given to farms for which acreage allotments are small. The acreage allotment for any farm on which tobacco will be produced in 1938 for the first time since (but not including) 1933 shall not exceed 75 percent of the allotment for other farms in the same community on which the same kind of tobacco was produced since (but not including) 1933 which are similar with respect to land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco.

**5. Irish Potato Allotment.**—In counties designated in item 5 of section II A as commercial Irish potato-producing counties, allotments shall be determined for each farm normally producing Irish potatoes, excluding farms on which the acreage normally planted to Irish potatoes for market is determined to be less than 3 acres.



No Irish potato-acreage allotment shall be less than 3 acres. Irish potato-acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, production facilities, and the acreage of Irish potatoes customarily grown on the farm. The Irish potato-acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**6. Peanut Allotment.**—In counties designated in item 6 of section II A as commercial peanut-producing counties, peanut acreage allotments for farms shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, and the acreage of peanuts for market customarily grown on the farm. The peanut acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**7. Rice Allotment.**—(a) A rice acreage allotment shall be determined for each farm on which rice is grown in 1938 on the basis of the rice acreage apportioned to the persons participating in the production of rice on the farm in 1938 and allocated by them to the farm; the acreage on the farm suited to rice production and for which water is readily available, and the acreage of rice customarily grown by such persons. The rice acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

(b) The State rice acreage allotment (less 1 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State for apportionment as provided in paragraph 7 (c) below) shall be apportioned by the State committee, in accordance with instructions issued by the Agricultural Adjustment Administration, among the persons in the State who are participating in the production of rice in 1938 on the basis of their production of rice during the 5 years, 1933 to 1937, inclusive; land, labor, equipment, and water available for the production of rice; crop rotation practices, soil fertility, and other physical factors affecting the production of rice.

(c) That portion of the State rice acreage allotment not apportioned among farms pursuant to paragraph 7 (b) above shall be apportioned by the State committee, in accordance with instructions issued by the Agricultural Adjustment Administration, among the persons in the State who are participating in the production of rice in 1938 but who did not participate in the production of rice in any one of the years 1933 to 1937, inclusive; on the basis of land, labor, equipment, and water available for the production of rice; crop rotation practices, soil fertility, and other physical factors affecting the production of rice.

**8. General Crop Allotment.**—A general crop acreage allotment shall be determined for each class A farm. Such general crop acreage allotment shall be the total soil-depleting acreage allotment in excess of the sum of the individual crop acreage allotments established for the farm for 1938.

#### **B. Restoration Land and Soil-Building Goals:**

**1. Restoration Land Goal.**—Restoration land goals shall be determined on the basis of the land on the farm which was cropped

at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

**2. Soil-Building Goal.**—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under section IV, subsection C, with respect to (1) the soil-conserving acreage for class A farms or the acreage of cropland with respect to which a payment of 70 cents per acre is computed for class B farms, (2) the commercial vegetable acreage, (3) the commercial orchards, and (4) the noncrop open pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent wind and water erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**C. Posting of Acreage Allotments.**—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

#### SECTION IV. PAYMENT FOR FULL PERFORMANCE

Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments and for achieving soil-building and restoration land goals in an amount which shall be the sum of the following:

##### A. Soil-Depleting Acreage Allotments:

**1. Cotton.**—2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment; or, if the acreage planted to cotton is less than 80 percent of the cotton acreage allotment and the county committee finds that the failure to plant 80 percent of such cotton acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to cotton.

**2. Wheat.**—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat.

**3. Tobacco.**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

	<i>Cents</i>
(a) Burley -----	0.5
(b) Flue-cured -----	1.0
(c) Georgia-Florida Type 45 -----	1.0
(d) Georgia-Florida Type 62 -----	1.5



*provided*, that, if the acreage planted to Georgia-Florida Type 45 tobacco is less than 80 percent of the acreage allotment therefor and the county committee finds that the failure to plant 80 percent of the acreage allotment was not due to flood, drought, or plant-bed diseases, the payment shall be computed on 125 percent of the acreage planted to Georgia-Florida Type 45 tobacco.

4. **Irish Potatoes.**—3 cents per bushel of the normal yield per acre of Irish potatoes for the farm for each acre of Irish potatoes planted on the farm in 1938 not in excess of the Irish potato-acreage allotment.

5. **Peanuts.**—0.2 of a cent per pound (20 cents per 100 pounds) of the normal yield per acre of peanuts for the farm for each acre in the peanut acreage allotment.

6. **Rice.**—0.125 of a cent per pound (12½ cents per 100 pounds) of the normal yield per acre of rice for the farm for each acre in the rice acreage allotment; or, if the acreage planted to rice is less than 80 percent of the rice acreage allotment and the county committee finds that failure to plant 80 percent of such rice acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to rice.

7. **General Soil-Depleting Crops on Class A Farms.**—\$1.25 per acre, adjusted for productivity, for each acre in the general crop acreage allotment in excess of one-fourth of the sum of the cotton and Burley tobacco acreage allotments established for the farm.

B. **Restoration Land Goals.**—50 cents per acre for each acre in the restoration land goal established for the farm.

C. **Payments in Connection With Soil-Building Practices:**

1. (a) 50 cents per acre of cropland on any class A farm in excess of the total soil-depleting acreage allotment for the farm.

(b) 70 cents per acre of cropland on any class B farm in excess of the sum of (1) the wheat, rice, Irish potato, peanut, Georgia-Florida Type 45 tobacco, and Georgia-Florida Type 62 tobacco acreage allotments established for the farm, (2) the acreage of sugarcane for sugar grown on the farm in 1938, and (3) one and one-half (1½) times the cotton, flue-cured tobacco, and Burley tobacco-acreage allotments established for the farm.

2. \$1.50 per acre for the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937 (if grown in only one year, one-half of the acreage in such year shall be used).

3. \$2.00 per acre of commercial orchards on the farm January 1, 1938.

4. (a) 2 cents per acre of noncrop open pasture land in the farm, plus \$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture in Oklahoma and Texas.

(b) 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land in all States other than Oklahoma and Texas.

## SECTION V.—PAYMENTS FOR PARTIAL PERFORMANCE

Payments computed for any farm under the provisions of section IV shall be subject to all of the following deductions which are applicable to the farm.<sup>1</sup>

### A. Deductions for Excess Acreages of Soil-Depleting Crops:

1. **Cotton.**—5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton acreage allotment.

2. **Tobacco.**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in excess of the respective acreage allotment for each of the following kinds of tobacco:

	<i>Cents</i>
(a) Burley.....	5
(b) Flue-cured.....	10
(c) Georgia-Florida Type 45.....	10
(d) Georgia-Florida Type 62.....	15

3. **Irish Potatoes.**—30 cents per bushel of the normal yield for the farm for each acre of Irish potatoes in excess of the Irish potato-acreage allotment.

4. **Peanuts.**—2 cents per pound (\$2.00 per 100 pounds) of the normal yield for the farm for each acre of peanuts for market in excess of the peanut acreage allotment.

5. **Rice.**—1 cent per pound (\$1.00 per 100 pounds) of the normal yield for the farm on the acreage by which the rice acreage exceeds the rice acreage allotment.

6. **Commercial Vegetables.**—In the following counties which are designated as counties where commercial vegetables and Irish potatoes are grown generally on the same farms, a deduction at the rate applicable to the farm under this section V with respect to Irish potatoes shall be made from the payment with respect to any farm having an Irish potato acreage allotment for each acre on which commercial vegetables are grown in 1938 in excess of the annual average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years); on farms where adjustments for abnormal weather conditions are made in the acreage of commercial vegetables grown in 1936 and 1937, as provided in this item 6, such adjusted acreage shall also be used under item 2 of subsection C of section IV in computing the payment with respect to the farm:

ALABAMA.—Escambia.

FLORIDA.—Counties, if any, will be designated at a later date.

GEORGIA.—Chatham and Effingham.

SOUTH CAROLINA.—Beaufort and Charleston.

No counties will be designated in Arkansas, Louisiana, Mississippi, Oklahoma, or Texas.

7. **Total Soil-Depleting Acreage Allotments.**—The following applicable rate for each acre of soil-depleting crops in excess of the total soil-depleting acreage allotment, less the acreages for which deductions are made under items 1 to 6, inclusive, of this subsection A:

<sup>1</sup> See item 2, section XI A regarding a deduction for exceeding the total soil-depleting acreage allotment on a class B farm not having a special soil-depleting acreage allotment; also item 2, section XI E for a special provision regarding excess cotton acreage.



(a) 96 cents per bushel of the normal yield of wheat for the farm, if a wheat acreage allotment is established for the farm.

(b) 8 times the rate of payment with respect to the general soil-depleting acreage allotment if the farm is a class A farm and a wheat acreage allotment is not established therefor.

(c) \$6.00 per acre if the farm is a class B farm and a cotton, tobacco, peanut, Irish potato, or rice acreage allotment but no wheat acreage allotment is established for the farm.

**B. Deductions for Failure to Carry Out Soil-Building Practices and Conservation Measures:**

1. \$1.50 for each unit by which the soil-building goal is not reached.

2. \$1.00 for each acre of restoration land on which there are not carried out in 1938 conservation measures specified by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration.

**C. Deduction for Failure to Prevent Wind and Water Erosion.**—\$1.00 for each acre of land, other than restoration land, in the following counties which are subject to serious wind or water erosion hazards, with respect to which there are not adopted in 1938 methods recommended by the State committee and approved by the Agricultural Adjustment Administration for the prevention of wind or water erosion:

OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward.

TEXAS.—Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Donley, Ector, Floyd, Gaines, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Winkler, and Yoakum.

**D. Deduction for Breaking Out of Native Sod.**—\$3.00 for each acre of native sod or any other land which was cropped but is not classified as cropland or pasture land which, in the following areas which are subject to extremely serious wind erosion, is broken out during the period November 1, 1937, to October 31, 1938, inclusive, unless the breaking out of such land is approved by the county committee as a good-farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover; such acreage of cropland to be in addition to that designated as restoration land:

OKLAHOMA.—Beaver, Cimarron, and Texas.

TEXAS.—Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, and Sherman.

## SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and Deductions in Connection With Acreage Allotments and Restoration Land Goals.**—The net payment or net deduction computed for any farm with respect to the cotton, rice, wheat, tobacco, peanut, Irish potato, or general crop acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the cotton, rice, wheat, tobacco, peanuts for market, Irish potatoes, or general crops, respectively, grown on the farm in 1938.

The net payment or net deduction computed for any farm with respect to the restoration land goal shall be divided in the same proportion that any payment with respect to the wheat acreage allotment for such farm is divided among landlords, tenants, and sharecroppers, *provided*, that, if no payment is computed with respect to a wheat acreage allotment for such farm, payment with respect to the restoration land goal shall be divided in the same proportion that any payment in connection with the general soil-depleting acreage allotment for such farm is, or would be, divided among landlords, tenants, and sharecroppers. In the event that restoration land is designated for a farm which is not operated by a tenant in 1938, payment, if any, with respect to the restoration land goal shall be made to the owner of such farm.

In computing net payments and net deductions with respect to acreage allotments and restoration land goals, the deduction with respect to commercial vegetables (item 6, subsec. A, sec. V) shall be regarded as a deduction with respect to the Irish potato acreage allotment and the total amount of deductions computed under section V with respect to (1) soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 7, subsec. A, sec. V), (2) failure to prevent wind and water erosion (subsec. C, sec. V), and (3) breaking out of native sod (subsec. D, sec. V), shall be regarded as (a) deductions with respect to the wheat acreage allotment and the general crop acreage allotment on class A farms (b) deductions with respect to the wheat acreage allotment on class B farms for which a wheat acreage allotment is established, (c) deductions with respect to individual crop acreage allotments on class B farms for which a wheat acreage allotment is not established, or (d) deductions with respect to the soil-building goal on class B farms for which no individual crop acreage allotment is established.

In the event that cotton, rice, wheat, tobacco, peanuts for market, Irish potatoes, or general crops are not harvested in 1938 on the farm, the payment, if any, with respect to the acreage allotment for such crop, or group of crops, shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop had such crop been harvested on the farm in 1938.

**B. Payments With Respect to Soil-Building Practices.**—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice; *provided*, that if the persons who carried out the practice establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, such units shall be divided in the proportion which the county committee determines each person contributed thereto.



**C. Proration of Net Deductions.**—If, with respect to any farm, the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm, the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

### SECTION VII. INCREASE IN SMALL PAYMENTS

The total payment computed under sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

1. Any payment amounting to 71 cents or less shall be increased to \$1.00;
2. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
3. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1 to \$1.99.....	\$0. 40	\$32 to \$32.99.....	\$10. 40
\$2 to \$2.99.....	. 80	\$33 to \$33.99.....	10. 60
\$3 to \$3.99.....	1. 20	\$34 to \$34.99.....	10. 80
\$4 to \$4.99.....	1. 60	\$35 to \$35.99.....	11. 00
\$5 to \$5.99.....	2. 00	\$36 to \$36.99.....	11. 20
\$6 to \$6.99.....	2. 40	\$37 to \$37.99.....	11. 40
\$7 to \$7.99.....	2. 80	\$38 to \$38.99.....	11. 60
\$8 to \$8.99.....	3. 20	\$39 to \$39.99.....	11. 80
\$9 to \$9.99.....	3. 60	\$40 to \$40.99.....	12. 00
\$10 to \$10.99.....	4. 00	\$41 to \$41.99.....	12. 10
\$11 to \$11.99.....	4. 40	\$42 to \$42.99.....	12. 20
\$12 to \$12.99.....	4. 80	\$43 to \$43.99.....	12. 30
\$13 to \$13.99.....	5. 20	\$44 to \$44.99.....	12. 40
\$14 to \$14.99.....	5. 60	\$45 to \$45.99.....	12. 50
\$15 to \$15.99.....	6. 00	\$46 to \$46.99.....	12. 60
\$16 to \$16.99.....	6. 40	\$47 to \$47.99.....	12. 70
\$17 to \$17.99.....	6. 80	\$48 to \$48.99.....	12. 80
\$18 to \$18.99.....	7. 20	\$49 to \$49.99.....	12. 90
\$19 to \$19.99.....	7. 60	\$50 to \$50.99.....	13. 00
\$20 to \$20.99.....	8. 00	\$51 to \$51.99.....	13. 10
\$21 to \$21.99.....	8. 20	\$52 to \$52.99.....	13. 20
\$22 to \$22.99.....	8. 40	\$53 to \$53.99.....	13. 30
\$23 to \$23.99.....	8. 60	\$54 to \$54.99.....	13. 40
\$24 to \$24.99.....	8. 80	\$55 to \$55.99.....	13. 50
\$25 to \$25.99.....	9. 00	\$56 to \$56.99.....	13. 60
\$26 to \$26.99.....	9. 20	\$57 to \$57.99.....	13. 70
\$27 to \$27.99.....	9. 40	\$58 to \$58.99.....	13. 80
\$28 to \$28.99.....	9. 60	\$59 to \$59.99.....	13. 90
\$29 to \$29.99.....	9. 80	\$60 to \$185.99.....	14. 00
\$30 to \$30.99.....	10. 00	\$186 to \$199.99.....	(1)
\$31 to \$31.99.....	10. 20	\$200 and over.....	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

**SECTION VIII. DEDUCTIONS INCURRED ON OTHER FARMS**

**A. Other Farms in the Same County.**—If the deductions computed under section V with respect to any farm exceed the payment for full performance on such farm computed under section IV, any person's share of the amount by which such deductions exceed such payments shall be deducted from such person's share of the payments which would otherwise be made to him with respect to any other farms in the county which he operates or rents to other persons for a share of the crops produced thereon.

**B. Other Farms in the State.**—If the deductions computed for any person with respect to one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for such person with respect to any other farms in the State which he operates or rents to other persons for a share of the crops produced thereon, if the State committee finds that the crops grown and practices adopted on the farms with respect to which such deductions are computed are such as substantially to offset the contribution to the program made on such other farms.

**SECTION IX. DEDUCTION FOR ASSOCIATION EXPENSES**

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**SECTION X. MATERIALS FURNISHED AS GRANTS OF AID**

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that, in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm, the amount by which the deduction exceeds the payment shall be repaid by him to the Secretary.



## SECTION XI. GENERAL PROVISIONS RELATING TO PAYMENTS

**A. Payment Restricted to Effectuation of Purposes of the Program.**—1. All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other devise, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or wood land owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices.

2. If on any class B farm for which no wheat, cotton, tobacco, peanut, Irish potato, or rice acreage allotment is established the acreage seeded to soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduction provided in paragraph 7 (c) of subsection A of section V shall be applicable to such farm, if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm.

3. In the following counties which are subject to serious wind erosion, no payment will be made to any person with respect to any farm which such person owns or operates in a county if he allows any part of the cultivated land in any such farm to become a wind erosion hazard during 1938 by reason of failure to carry out wind erosion control measures approved by the county committee:

OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward.

TEXAS.—Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Donley, Ector, Floyd, Gaines, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Winkler, and Yoakum.

**B. Payment Computed and Made Without Regard to Claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deductions of claims for advances (except as provided in subsec. D of this sec. XI), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.**—1. If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program and the county committee certifies that the change is not justified and disapproves such change, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall

not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938.

2. If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the three years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord and the county committee certifies that the reduction is not justified and disapproves such reduction, the payments to the landlord shall not be greater than the amount that would otherwise be made if the average number of tenants in such three-year period had not been reduced.

3. If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

**D. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and is acknowledged by the farmer before the county agricultural extension agent and filed with such agent, (2) the farmer files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness, and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled, nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**E. Excess Cotton Acreage.**—1. Any person who has an interest in a farm on which cotton is planted in 1938 and who makes application for payment with respect to any farm, shall file with such application a statement, verified by affidavit, that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938 under Section 344 of the Agricultural Adjustment Act of 1938 in connection with cotton marketing quotas, and that cotton was not planted in excess of such allotment by his authority or with his consent.



2. Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment for the farm, established in connection with cotton marketing quotas under Section 344 of the Agricultural Adjustment Act of 1938 and regulations issued in connection therewith, shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. A person shall be presumed to have knowingly planted cotton on his farm on acreage in excess of the farm cotton acreage allotment if notice of the farm cotton acreage allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless he establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract or tracts planted to cotton. Notice of the farm cotton acreage allotment, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

**F. Use of Soil-Conserving Crops for Market.**—No payment will be made with respect to any farm unless on such farm in 1938 an acreage, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for such farm, or (2) the acreage devoted to soil-depleting crops on the farm in 1938; *provided*, that payment shall not be denied any farmer for using such soil-conserving crops for market (1) if, in the county in which the farm is located, the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows, (2) if, on such farm, the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows, or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph if either (1) the increase above normal in the number of dairy cows on his farm does not exceed two cows, or (2) none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than 10 percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed 10 percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than 10 percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under section XIII hereof.

## SECTION XII. APPLICATION FOR PAYMENT

**A. Persons Eligible to File Applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of section VI, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

**B. Time and Manner of Filing Application and Information Required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least 2 weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for Other Farms.**—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

## SECTION XIII. SOIL-DEPLETING CROPS

Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting.



A. Land planted to the following crops for harvest in 1938:

1. Corn (including field corn, sweet corn, and popcorn).
2. Tobacco.<sup>2</sup>
3. Grain sorghums.
4. Cotton.
5. Long staple cotton (normally having a staple of 1½ inches or more in length).
6. Sugarcane.
7. Rice.
8. Peanuts harvested for nuts.
9. Peanuts dug for hay.
10. Broomcorn.
11. Cultivated sunflowers.
12. Truck and vegetable crops (including strawberries, melons, cantaloupes, tomatoes, and sweetpotatoes), and their seeds.
13. Irish potatoes.
14. Bulbs and flowers.
15. Canning peas.

B. Land planted to wheat harvested for grain or hay in 1938 or any other land planted to wheat between August 1, 1937, and July 31, 1938, except:

1. When, in humid areas, (a) the land planted to wheat is used as a nurse crop or cover crop and is not harvested for grain or hay, or (b) a good stand and good growth of wheat is used as a green manure crop.

2. When in designated nonhumid areas of Oklahoma and Texas, the land seeded to wheat in the fall of 1937 is tilled, before a date to be specified by the Agricultural Adjustment Administration, in preparation for another crop or in connection with an approved conservation measure, *provided*, that in such areas the conservation measure to be instituted before the specified date is approved by the county committee and the land to be so handled is designated in accordance with instructions issued by the Agricultural Adjustment Administration. Such areas shall include the following counties and all other counties in Oklahoma and Texas lying west of these counties:

OKLAHOMA.—Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton.

TEXAS.—Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnett, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg.

C. Land planted to oats, barley, rye, flax, or mixtures of these crops, between August 1, 1937, and July 31, 1938, except:

1. When a good stand and good growth of such crop is used as a green manure crop.

2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

D. Land planted in 1938 to buckwheat, sweet sorghums, or millet, harvested for grain, seed, sirup, hay, or silage, or land planted in 1938 to Sudan grass harvested for seed or silage.

E. Land planted in 1938 to soybeans harvested for seed for crushing.

<sup>2</sup> Each acre of Georgia-Florida Type 62 tobacco shall be classified as eight-tenths (80%) of an acre soil-depleting if—

(a) An average of at least four top leaves is left on each stalk on all of the acreage of Type 62 tobacco grown on the farm in 1938 and all such stalks are cut within 7 days after harvesting of the other leaves is completed and either left on the land for the remainder of 1938 or plowed under, and

(b) A cover crop of sorghum, cowpeas, velvet beans, or crotalaria, or any mixture of these, is seeded in 1938 on all land planted to Type 62 tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disced in before December 31, 1938, after it has attained at least 3 months' growth, provided such cover crop shall not be counted toward meeting the soil-building goal regardless of how used.

F. Land summer fallowed in any area if the summer-fallowed acreage is not protected from wind and water erosion by methods recommended by the State committee and approved by the Agricultural Adjustment Administration.

The acreage of land which is devoted *consecutively* in 1938 to two or more of the soil-depleting crops specified in this section XIII shall be counted as follows:

1. If only one of such crops reaches maturity, such land shall be regarded as devoted to the crop reaching maturity.
2. If none of such crops reaches maturity, or if more than one of such crops reach maturity, and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established.
3. If none of such crops reaches maturity and individual crop acreage allotments are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established.
4. If two or more of such crops reach maturity and individual crop acreage allotments are established for such crops, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established.
5. If two or more of such crops reach maturity or if none of such crops reaches maturity and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously in 1938 to two or more of the soil-depleting crops specified in this section XIII shall be divided among such crops on the basis of that fractional part of the land devoted to each.

In connection with determinations regarding the maturity of crops in 1938, canning peas harvested for canning will be deemed to have reached maturity; and field corn, sweet corn, and popcorn when hogged off, or cut for silage, fodder, or other similar uses, will be deemed to have reached maturity.

Land devoted to volunteer soil-depleting crops in 1938 which are harvested shall be classified as if such crops were planted.

#### SECTION XIV. SOIL-BUILDING PRACTICES

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein when carried out in 1938 in accordance with specifications, if any, issued by the regional director or by the State committee with the approval of the regional director, and when performed in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than one-half of the total cost of carrying out



such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a Federal or State agency.

### SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as one unit, *provided*, that when the materials specified in items 1 or 2 are applied to perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or Natal grass, when seeded or grown in connection with a soil-depleting crop, no part of the material applied shall be counted.

1. Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

2. Application of 500 pounds of basic slag or rock phosphate (including colloidal phosphate) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

3. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

4. Construction of reservoirs and dams—15 cubic yards of material moved in making the fill or excavation (applicable only in Oklahoma and Texas).

5. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

6. Contour ridging of noncrop open pasture land—750 linear feet of ridge or terrace.

7. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials, excluding barnyard and stable manure, per acre in commercial orchards or on commercial vegetable land.

8. Application of 1,500 pounds of ground limestone or its equivalent.

9. Restoration of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period (applicable only in Oklahoma and Texas).

B. Each acre of the following shall be counted as one unit:

10. Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop) or mixtures (other than a mixture consisting solely of timothy and redtop) containing perennial grasses, perennial legumes, or biennial legumes (except permanent pasture mixtures qualifying under practice No. 13).

11. Seeding winter legumes, annual lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweetclover.

12. Green manure crops and cover crops (excluding (1) lespedeza, (2) peanuts hogged off, (3) any crop for which credit is given in 1938 under any other practice, and (4) wheat in Oklahoma and Texas), of which a good stand and good growth is (1) plowed or disced under on land not subject to erosion, or, if subject to erosion, such crop is followed by a winter cover crop, or (2) left on the land as a temporary mulch in orchards or on commercial vegetable or Irish potato land, or on cropland in a regular cropping rotation.

C. Each acre of the following shall be counted as two units:

13. Seeding permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop (applicable only on class B farms).

14. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees planted between January 1, 1934, and January 1, 1938.

15. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses.

16. Green manure crops (excluding lespedeza and peanuts hogged off) of which a good stand and a good growth is plowed or disced under (applicable only on class B farms on which the average acreage of land on which commercial vegetables were grown in 1936 and 1937 exceeds 50 percent of the acreage of cropland in the farm in excess of the sum of the Irish potato, tobacco, cotton, and peanut acreage allotments established for the farm).

D. Each acre of the following shall be counted as five units:

17. Planting forest trees (including shrubs in protective plantings), *provided* such trees are protected and cultivated in accordance with good tree-culture practice.

18. Control of seriously infested plots of bindweed (*convolvulus arvensis*) on cropland in organized weed control districts, including counties where county officials are cooperating under the State control law, in accordance with good chemical methods (applicable only in Oklahoma).

E. Each 2 acres of the following shall be counted as one unit:

19. Summer legumes (excluding peanuts hogged off and excluding summer legumes classified as soil-depleting) interplanted or grown in combination with soil-depleting crops, *provided* a good stand and a good growth is left on the land or turned under, and *provided further* that the summer legume occupies at least one-third of the land.

20. Seeding timothy or redbud or mixtures consisting solely of timothy and redbud.

F. Each 4 acres of the following shall be counted as one unit:

21. Contour listing of furrowing noncrop land.

22. Strip cropping other than for protection of summer-fallowed acreage.

23. Leaving on the land as a protection against wind erosion the stalks of sorghums or Sudan grass, classified as soil-depleting, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1939. This practice is applicable only in the following counties:

OKLAHOMA.—Beaver, Cimarron, and Texas.

TEXAS.—Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, and Sherman.

24. Protecting summer-fallowed acreage from wind and water erosion by contour or basin listing, strip cropping, or incorporating small-grain stubble and straw into the surface soil. No credit will be given for this practice on any farm when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover has resulted in the land becoming subject to serious wind erosion. This practice is applicable only in the following counties and all other counties in Oklahoma and Texas lying west of these counties:

OKLAHOMA.—Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton.

TEXAS.—Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnett, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg.

G. Each 8 acres of the following shall be counted as one unit:

25. Contour farming intertilled crops (applicable only on class A farms in Arkansas, Oklahoma, and Texas).

26. Contour listing or basin listing on the contour (applicable only in Oklahoma and Texas). No credit will be given for this practice when carried out on protected summer-fallowed acreage or as part of the seeding operation.

H. Each 10 acres of the following shall be counted as one unit:

27. Contour seeding of small grain crops for harvest in 1938 (applicable only on class A farms in Arkansas, Oklahoma, and Texas).



28. Basin listing (not on the contour) (applicable only in Oklahoma and Texas). No credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

29. Natural vegetative cover or small-grain stubble of crops harvested in 1938 left on cropland not tilled after July 1, 1938, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1939. This practice is applicable only in the following counties:

OKLAHOMA.—Beaver, Cimarron, and Texas.

TEXAS.—Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, and Sherman.

## SECTION XV. NORMAL YIELDS AND PRODUCTIVITY INDEXES

**A. Normal Yields of Special Soil-Depleting Crops.**—The county committee, with the assistance of other local committees in the county, in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration, shall determine for each farm for which a cotton, wheat, rice, tobacco, peanut, or Irish potato acreage allotment will be established, a normal yield for each such crop.

1. **Cotton.**—(a) When reliable records of the actual average yield of cotton per acre for the 5 years, 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted, in the manner provided in subsection C of this section, for abnormal weather conditions.

(b) If for any year of the 5 years, 1933 to 1937, inclusive, records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the county committee shall ascertain from all available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph 1 (a) above.

(c) The average of all the yields so determined for all farms in a county or administrative area (weighted by cotton acreage allotments established for such farms) shall be adjusted so as to conform to the average yield established by the Secretary for the county or administrative area.

2. **Wheat.**—(a) When reliable records of the actual average yield per acre of wheat for the 10 years, 1928 to 1937, inclusive, are presented by the farmer, or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and adjusted, in the manner provided in subsection C of this section, for abnormal weather conditions.

(b) If for any year of the 10 years, 1928 to 1937, inclusive, reliable records of the actual average yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of

the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph 2 (a) above. When the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield for any year for which reliable records of the actual average yield are not available or there was no actual yield because wheat was not planted on the farm shall be obtained by multiplying such index by the county average yield of wheat for such year. If for any combination of years in such ten-year period reliable records of the actual average yield are not available or there was no actual yield during such years, the yield obtained by multiplying such index by the county average yield for such combination of years shall be the actual yield for each year of such combination of years.

(c) The average of all the yields so determined for all farms in the county (weighted by the wheat acreage allotments established for such farms) shall be adjusted so as to conform to the county average yield established by the Secretary.

3. **Rice.**—(a) When reliable records of the actual average yield of rice per acre for the 5 years, 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(b) If for any year of the 5 years, 1933 to 1937, inclusive, records of the actual average yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph 3 (a) above.

(c) If the average of the normal yields for all lands planted to rice in 1938 in the State (weighted by the rice acreage allotments therein) exceeds the average yield per acre for the State during the period 1933 to 1937, inclusive, established by the Secretary, the normal yields for such lands, determined under paragraphs 3 (a) and 3 (b) above, shall be reduced pro rata so that the average of such normal yields shall not exceed the State average yield.

4. **Tobacco, Peanuts, and Irish Potatoes.**—(a) The normal yield of tobacco, peanuts for market, or Irish potatoes, as the case may be, for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The average yield for all farms in any county of tobacco, peanuts for market, or Irish potatoes shall not exceed the county average yield for the crop established by the Secretary.

**B. Productivity Indexes.**—The Secretary shall establish for each county a county productivity index which will vary among the counties as the productivity of the cropland in the county devoted to the production of general soil-depleting crops varies as compared



with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index shall be established, in accordance with instructions issued by the Agricultural Adjustment Administration, for each class A farm by the county committee, with the approval of the State committee. Such productivity index shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of any other crop that reflects the productivity of the farm may be used, *provided*, that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index for all farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Agricultural Adjustment Administration.

**C. Adjustment for Abnormal Weather Conditions.**—In determining normal yields for cotton and wheat, respectively, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural causes, the yield in any year of the 5-year or 10-year period, as the case may be, as determined under subsection A 1 of this section, in the case of cotton, or subsection A 2 of this section, in the case of wheat, is less than 75 percent of the average computed without regard to such year, such year shall be eliminated in calculating the normal yield per acre.

## SECTION XVI. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest, within 15 days after notice thereof is forwarded to or available to him, may request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters:

- (a) Eligibility to file an application for payment;
- (b) Any soil-depleting acreage allotment or soil-building goal;
- (c) The division of payment; or
- (d) Any other matter affecting the right to or the amount of his payment with respect to the farm.

The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may appeal in writing to the State committee within 15 days after such decision is forwarded to or made available to him. The State committee shall inform such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may request the regional director to review the decision of the

State committee within 15 days after such decision is forwarded to or made available to him.

## SECTION XVII. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

## SECTION XVIII. DEFINITIONS

For the purpose of the 1938 Agricultural Conservation Program:

**Secretary** means the Secretary of Agriculture of the United States.

**Regional Director** or **Director of the Southern Division** means the director of the Southern Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the Southern Region.

**Southern Region** means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

**State Committee** means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

**County Committee** means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

**Person** means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**Landlord** means a person who owns land and rents such land to another person, or operates such land.

**Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and



2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops;

*provided*, that land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**Class A Farms** are farms for which general crop-acreage allotments are established and include:

1. All farms in the following counties in Arkansas: Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Franklin, Fulton, Grant, Greene, Independence, Johnson, Lawrence, Logan, Lonoke, Madison, Marion, Newton, Perry, Prairie, Randolph, Saline, Scott, Searcy, Sebastian, Sharp, Stone, Van Buren, Washington, and Yell.

2. All farms in Oklahoma and Texas.

**Class B Farms** means all farms which are not class A farms.

**Cropland** means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, restoration land, and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community, but including any other land which has been planted since January 1, 1930, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to noncommercial orchards other than abandoned orchards.

**Restoration Land** means farm land, in areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, which was cropped at least once since January 1, 1930, and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

**Cotton** means cotton the staple of which is normally less than  $1\frac{1}{2}$  inches in length. American-Egyptian cotton, Sea Island cotton, and any other cotton the staple of which is normally  $1\frac{1}{2}$  inches or more in length shall be considered as general soil-depleting crops and not as cotton in connection with the 1938 Agricultural Conservation Program.

**Commercial Orchards** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits, on the farm on January 1, 1938 (excluding nonbearing orchards and vineyards), from which the principal part of the production is normally sold.

**Commercial Vegetables** means the acreage of vegetables or truck crops (including Irish potatoes on farms where an Irish potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

**Peanuts for Market** means only those peanuts separated from the vines by mechanical means and from which the principal part of the production is sold to persons off the farm.

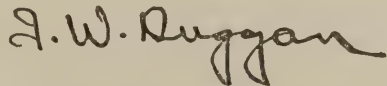
**Soil-Conserving Acreage** means the total acreage of cropland in any class A farm in excess of the total soil-depleting acreage allotment established for the farm.

**Noncrop Open Pasture** means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**General Soil-Depleting Crops** means all soil-depleting crops other than sugarcane for sugar and those for which individual crop acreage allotments are established on the farm.

**Animal Unit** means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

Issued March 25, 1938, with the approval of the Administrator and the undersigned.



*Director, Southern Division,  
Agricultural Adjustment Administration.*











Issued April 22, 1938

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

SOUTHERN DIVISION

1938 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 201  
Supplement 1

Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, Southern Region Bulletin 201 is hereby amended as follows:

Amendment 1

The second of the introductory paragraphs preceding section I is hereby amended to read as follows:

"The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act as amended, and the extent of national participation. Under the provisions of Section 105 of the Agricultural Adjustment Act of 1938, as amended, payments under the 1938 Agricultural Conservation Program, based on soil-depleting crops for which special acreage allotments are established, shall be made at not less than 90 percent of the rates specified in the 1938 Agricultural Conservation Program Bulletin (ACP-1938) approved by the Secretary of Agriculture October 23, 1937. The rates specified herein with respect to Irish potatoes and Georgia-Florida Type 62 tobacco are 90 percent of the rates approved for these commodities on October 23, 1937, and, therefore, will not be decreased. As an adjustment for participation the rates of payment and deduction with respect to each other commodity or item of payment may be decreased, and the rates of payment and deduction with respect to any commodity or item of payment may be increased, by as much as 10 percent."

Amendment 2

The national goals with respect to cotton and Burley tobacco, set forth in item 1 of subsection A of section I, are hereby revised to read as follows:

"Cotton	27,000,000 to 29,000,000 acres
Tobacco	
Burley	440,000 to 460,000 acres".



Amendment 3

Item 2 of subsection A of section III is hereby amended to read as follows:

"2. Cotton allotment.-(a) County cotton acreage allotment shall be apportioned among the farms in the county on which cotton was planted in any one of the years, 1935, 1936, and 1937, in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1937 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or wheat or rice for feeding to livestock for market except that

(1) For any farm on which cotton was planted in any one of the years 1935, 1936, and 1937, and on which the highest acreage planted to cotton and diverted from the production of cotton in any one of these three years was less than five acres, the cotton acreage allotment for the farm shall be such highest number of acres, if the county cotton acreage allotment is sufficient therefor;

(2) For any farm on which cotton was planted in any one of the years 1935, 1936, and 1937, and on which the highest number of acres planted to cotton and diverted from the production of cotton in any one of these three years was five acres or more, the allotment for the farm shall not be less than five acres, if the county cotton acreage allotment is sufficient therefor;

(3) Notwithstanding the foregoing provisions of paragraph (a) of this item 2, a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from the production of cotton in any of the years 1935, 1936, and 1937, was five acres or less and the number of acres required for allotments of five acres for each other farm in the county on which cotton was planted in 1935, 1936, or 1937 may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937 and for which the allotment otherwise provided is five acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937.

In making such allotments under clause (3) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this paragraph 2 (a) exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937.

(b) In case the county allotment is insufficient to provide allotments to farms in the county, which are determined, under instructions issued by the Agricultural Adjustment Administration, to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms, under instructions issued by the Agricultural Adjustment Administration, such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with paragraph 2 (a) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under clauses (1) and (2) of paragraph 2 (a).

(c) Notwithstanding the provision of paragraph 2 (a) above the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage as determined by the county committee under instructions issued by the Agricultural Adjustment Administration to have been planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program, provided that the cotton acreage allotment for any farm shall not be increased under this paragraph to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(d) That portion of the State acreage allotment not apportioned among the counties under section II, subsection A, paragraph 2 (a), hereof, shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937, so as to result in comparable allotments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported."

#### Amendment 4

Subsection A of section IV is hereby amended to read as follows:

##### "A. Soil-depleting acreage allotments.

1. Cotton.- 2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment; or, if the acreage planted to cotton is less than 80 percent of the cotton acreage allotment and the county committee finds that the failure to plant 80 percent of such cotton acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to cotton.



2. Wheat.-- 12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil-depleting under subsection B of section XIII.

3. Tobacco.-- The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

	Cents
(a) Burley -----	0.5
(b) Flue-cured -----	1.0
(c) Georgia-Florida Type 45 -----	1.0
(d) Georgia-Florida Type 62 -----	1.8

provided, that, if the acreage planted to Georgia-Florida Type 45 tobacco is less than 80 percent of the acreage allotment therefor and the county committee finds that the failure to plant 80 percent of the acreage allotment was not due to flood, drought, or plant-bed diseases, the payment shall be computed on 125 percent of the acreage planted to Georgia-Florida Type 45 tobacco.

4. Irish potatoes.-- 5.4 cents per bushel of the normal yield per acre of Irish potatoes for the farm for each acre of Irish potatoes planted on the farm in 1938 not in excess of the Irish potato acreage allotment.

5. Peanuts.-- 0.2 of a cent per pound (20 cents per 100 pounds) of the normal yield per acre of peanuts for the farm for each acre in the peanut acreage allotment.

6. Rice.-- 0.125 of a cent per pound (12-1/2 cents per 100 pounds) of the normal yield per acre of rice for the farm for each acre in the rice acreage allotment; or if the acreage planted to rice is less than 80 percent of the rice acreage allotment and the county committee finds that failure to plant 80 percent of such rice acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to rice. The acreage planted to rice shall be deemed to be that acreage which is seeded to rice.

7. General soil-depleting crops on class A farms.-- \$1.25 per acre, adjusted for productivity, for each acre in the total soil-depleting acreage allotment established for any class A farm in excess of the sum of (1) the acreages used in computing payments with respect to the wheat, Irish potato, rice, and peanut acreage allotments established for the farm; and (2) 1-1/4 times the acreage used in computing payments with respect to the cotton and Burley tobacco acreage allotments established for the farm."

#### Amendment 5

Item 1 of subsection C of section IV is hereby amended to read as follows:

"1. (a) 50 cents per acre of cropland on any class A farm in excess of the total soil-depleting acreage allotment for the farm.

(b) 70 cents per acre of cropland on any class B farm in excess of the sum of (1) the acreage used in computing payments with respect to the wheat, Irish potato, rice, peanut, Georgia-Florida Type 45 tobacco, and Georgia-Florida Type 62 tobacco acreage allotments established for the farm; (2) 1-1/2 times the acreages used in computing payments with respect to the cotton, flue-cured tobacco, and Burley tobacco acreage allotments established for the farm; and (3) the acreage of sugarcane for sugar planted on the farm in 1938."

Amendment 6

Items 2, 3, and 7 of subsection A of section V are hereby amended to read as follows:

"2. Tobacco.- The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in excess of the respective acreage allotment for each of the following kinds of tobacco:

	Cents
(a) Burley -----	5
(b) Flue-cured -----	10
(c) Georgia-Florida Type 45 -----	10
(d) Georgia-Florida Type 62 -----	18

3. Irish potatoes.- 54 cents per bushel of the normal yield per acre for the farm for each acre of Irish potatoes in excess of the Irish potato acreage allotment.

7. Total soil-depleting acreage allotments.- The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment, less the acreages for which deductions are made under items 1 to 6, inclusive, of this subsection A:

(a) 96 cents per bushel of the normal yield per acre of wheat for the farm, if a payment is computed for the farm under section IV with respect to a wheat acreage allotment.

(b) 8 times the rate of payment per acre with respect to general soil-depleting crops if the farm is a class A farm and no payment is computed for the farm under section IV with respect to a wheat acreage allotment.

(c) \$6.00 per acre if the farm is a class B farm and a payment is computed for the farm under section IV with respect to a cotton, tobacco, peanut, Irish potato, or rice acreage allotment but no payment is computed for the farm under section IV with respect to a wheat acreage allotment."

Amendment 7

Subsection A of section VI is hereby amended to read as follows:



"A. Payments and deductions in connection with acreage allotments and restoration land goals. - The net payment or net deduction computed for any farm with respect to the cotton, rice, wheat, tobacco, peanut, or Irish potato acreage allotment, or general soil-depleting crops, shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the cotton, rice, wheat, tobacco, peanuts for market, Irish potatoes, or general crops, respectively, grown on the farm in 1938.

"The net payment or net deduction computed for any farm with respect to the restoration land goal shall be divided in the same proportion that any payment with respect to the wheat acreage allotment for such farm is divided among landlords, tenants, and sharecroppers, provided that if no payment is computed with respect to a wheat acreage allotment for such farm the net payment or net deduction with respect to the restoration land goal shall be divided in the same proportion that any payment in connection with general soil-depleting crops for such farm is, or would be, divided among landlords, tenants, and sharecroppers. In the event that restoration land is designated for a farm which is not operated by a tenant in 1938, the net payment or net deduction, if any, with respect to such restoration land goal shall be attributed to the owner of such farm.

"In computing such net payments and net deductions with respect to acreage allotments, general crops, and restoration land goals, the deduction with respect to commercial vegetables (item 6, subsection A, section V) shall be regarded as a pro rata deduction with respect to the Irish potato acreage allotment. The total amount of deductions computed under section V with respect to (1) soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 7, subsection A, section V); (2) failure to prevent wind and water erosion (subsection C, section V); and (3) breaking out of native sod (subsection D, section V) shall be regarded (a) as pro rata deductions with respect to the payments computed under section IV in connection with the wheat acreage allotment and general soil-depleting crops on class A farms; (b) as deductions with respect to the wheat acreage allotment on class B farms for which a payment is computed under section IV in connection with a wheat acreage allotment; (c) as pro rata deductions with respect to the payments computed under section IV in connection with crop acreage allotments on class B farms for which no payment is computed in connection with a wheat acreage allotment; or (d) as deductions with respect to the soil-building goal on class B farms for which no payment is computed under section IV in connection with crop acreage allotments, provided that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

"In the event that cotton, rice, wheat, tobacco, peanuts for market, Irish potatoes, or general crops are not harvested in 1938 on the farm the net payment or net deduction, if any, with respect to the acreage allotment for such crop, or with respect to general soil-depleting crops, shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared

in the proceeds of such crop(s) had such crop(s) been harvested on the farm in 1938."

Amendment 8

Section VIII is hereby amended to read as follows:

"Section VIII. Deductions Incurred on Other Farms

A. Other farms in the same county.- If the deductions computed under section V with respect to any farm in a county exceed the payment for full performance on such farm computed under section IV, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

B. Other farms in the State.- If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceeds the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the state if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms."

Amendment 9

Item 1 of subsection A of section XI is hereby amended to read as follows:

"A. Payment restricted to effectuation of purposes of the program.-  
1. All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices. No payment, other than a payment in connection with the restoration land goal, shall be computed with respect to any farm which is idle in 1938."

Amendment 10

Subsection D of section XI is hereby amended to read as follows:

"D. Assignments.- Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign



his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for the purpose mentioned in clause (2) above.

"Nothing contained in this section XI shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled, nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment."

Amendment 11

Item 3 of subsection A of section XIII is hereby amended to read as follows:

"3. Grain sorghums (except when a good stand and a good growth is plowed or disced under as a green manure crop before heading, in the following counties in Texas and in all counties in Texas lying east of these counties: Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Hays, Comal, Bexar, Wilson, Karnes, Bee, San Patricio, Nueces and Kleberg)."

Amendment 12

Subsection D of section XIII is hereby amended to read as follows:

"D. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, or millet; harvested for grain, seed, sirup, or silage."

Amendment 13

Soil-building practice number 12 of subsection B of section XIV is hereby amended to read as follows:

"12. Green manure crops and cover crops (excluding (1) lespedeza, (2) peanuts hogged off, (3) grain sorghums except in counties designated under item 3 of subsection A of section XIII, (4) any crop for which credit is given in 1938 under any other practice, and (5) wheat in Oklahoma and Texas), of which a good stand and good growth is (1) plowed or disced under on land not subject to erosion, or, if subject to erosion, such crop is followed by a winter cover crop, or (2) left on the land as a temporary mulch in orchards or on commercial vegetable or Irish potato land, or on cropland in a regular cropping rotation, provided that grain sorghums must be plowed or disced under before heading in order to qualify under this practice."

Amendment 14

Items 1 and 2 of subsection A of section XV are hereby amended to read as follows:

"1. Cotton.- (a) Where reliable records of the actual average yield of cotton per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period.

(c) The yields determined under paragraph (b) of this item 1 shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments established for such farms) shall conform to the county (or administrative area) average yield established by the Secretary.

"2. Wheat.- (a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(b) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation program is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yield determined under paragraph (b) of this item 2 shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments estab-



lished for such farms) shall conform to the county average yield established by the Secretary."

Amendment 15

Section XV is hereby amended by striking out subsection C thereof.

Issued April 22nd, 1938, with the approval of the Administrator and the undersigned.

*I. W. Duggan*

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I. W. Duggan  
Director, Southern Division  
Agricultural Adjustment Administration

SRB-201  
Pulaski County, Arkansas



Issued June 14, 1938

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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1938 PULASKI COUNTY, ARKANSAS, AGRICULTURAL CONSERVATION PROGRAM  
SOUTHERN REGION BULLETIN 201

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Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Pulaski Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Pulaski Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation. The rates of payments and deductions specified herein are subject to an increase or decrease of not more than 10 percent, depending upon the extent of participation in the Pulaski County Program and the final estimate of payments which would be made in Pulaski County under the 1938 Agricultural Conservation Program.

The provisions of the 1938 Pulaski Program are not applicable in the Southern Region to (1) counties other than Pulaski County and (2) land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Section I. Farm Acreage Allotments and Goals.- The county committee, with the assistance of other local committees in the county, shall determine cotton acreage allotments and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The cotton soil-depleting acreage allotments determined for farms in the county shall not exceed the county cotton acreage allotment 1/ established for the county by the Agricultural Adjustment Administration; and the sum of the cotton acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county cotton acreage allotment.

A. Cotton allotment.- 1. The county cotton acreage allotment shall be apportioned among the farms in the county on which cotton was planted in any one of the years, 1935, 1936, and 1937, in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the administrative area 1/) of the land in the farm in 1937 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of wheat for market or for feeding to livestock for market except that

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1/ The county cotton acreage allotment established in accordance with item 2, subsection A, section II of the 1938 Agricultural Conservation Program Bulletin, as amended, shall be apportioned pro rata among the two administrative areas (established by the Agricultural Adjustment Administration because of differences in the types, kinds, and productivity of the soil, or other conditions) on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from the production of cotton under the 1937 Agricultural Conservation Program.



(a) For any farm on which cotton was planted in any one of the years 1935, 1936, and 1937, and on which the highest acreage planted to cotton and diverted from the production of cotton in any one of these three years was less than five acres, the cotton acreage allotment for the farm shall be such highest number of acres, if the county cotton acreage allotment is sufficient therefor;

(b) For any farm on which cotton was planted in any one of the years 1935, 1936, and 1937, and on which the highest number of acres planted to cotton and diverted from the production of cotton in any one of these three years was five acres or more, the allotment for the farm shall not be less than five acres, if the county cotton acreage allotment is sufficient therefor;

(c) Notwithstanding the foregoing provisions of item 1 of this subsection A, a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotment made to farms on which the highest number of acres planted to cotton plus the acres diverted from the production of cotton in any of the years 1935, 1936, and 1937, was five acres or less and the number of acres required for allotments of five acres for each other farm in the county on which cotton was planted in 1935, 1936, or 1937 may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937 and for which the allotment otherwise provided is five acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937.

In making such allotments under clause (c) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this subsection A 1 exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937.

2. In case the county allotment is insufficient to provide allotments to farms in the county, which are determined, under instructions issued by the Agricultural Adjustment Administration, to be adequate and representative in view of their past production of cotton and their tilled lands, there shall be apportioned to such farms, under instructions issued by the Agricultural Adjustment Administration, such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with subsection A 1 which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under clauses (a) and (b) of subsection A 1.

3. Notwithstanding the provisions of subsection A 1 above the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of

the acreage as determined by the county committee under instructions issued by the Agricultural Adjustment Administration to have been planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program, provided that the cotton acreage allotment for any farm shall not be increased under this paragraph to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

4. That portion of the State acreage allotment (not to exceed 2 percent of the State acreage allotment) not apportioned among the counties shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937, so as to result in comparable allotments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

B. Soil-building goals.--

1. Soil-building goals on class A farms located in the administrative area designated as "bottom land".-- The soil-building goal shall be a number of units of soil-building practices equal to 65 percent of the number of acres in the cotton acreage allotment established for the farm.

2. Soil-building goals on class A farms located in the administrative area designated as "hill land".-- The soil-building goal shall be a number of units of soil-building practices equal to 150 percent of the number of acres in the cotton acreage allotment established for the farm.

3. Soil-building goals on class B farms.-- The soil-building goal shall be a number of units of soil-building practices equal to 50 percent of the number of acres of cropland in the farm.

C. Posting of acreage allotments.-- All acreage allotments established for farms in the county shall be posted or kept freely available for public inspection in the office of the county agricultural extension agent.

Section II. Payment for Full Performance.-- Payment will be made with respect to any farm for not exceeding the cotton acreage allotment and for achieving the soil-building goal in the following amount:

A. Payment on class A farms located in the administrative area designated as "bottom land".-- 2.7 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment.



B. Payment on class A farms located in the administrative area designated as "hill land".- 3.6 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment.

C. Payment on class B farms receiving a cotton acreage allotment.- \$1.00 per acre of cropland in the farm.

D. Payment on class B farms receiving no cotton acreage allotment.- 70 cents per acre of cropland in the farm.

E. Payment on any farm receiving a cotton acreage allotment.- Notwithstanding the foregoing provisions of this section II, if the acreage planted to cotton on any farm is less than 80 percent of the cotton acreage allotment for the farm, and the county committee finds that the failure to plant 80 percent of such cotton acreage allotment was not due to flood or drought, the payment for the farm will be computed with respect to 125 percent of the acreage planted to cotton. The acreage planted to cotton shall be deemed to be that acreage on which the cotton crop reaches the stage of growth at which bolls are first formed.

Section III. Payments for Partial Performance.- Payments computed for any farm under the provisions of section II shall be subject to all of the following deductions which are applicable to the farm.

A. Deductions for excess acreage of cotton.- 6 cents per pound of the normal yield per acre for the farm for each acre of cotton in excess of the cotton acreage allotment (see subsection E, section IX for a special provision regarding excess cotton acreage).

B. Deductions for failure to carry out soil-building practices.- \$2.00 for each unit on any farm by which the soil-building goal is not reached.

#### Section IV. Division of Payments and Deductions.-

A. Payments and deductions in connection with cotton acreage allotments.- The net payment or net deduction computed for any farm with respect to the cotton acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the cotton grown on the farm in 1938.

In the event that cotton is not harvested in 1938 on the farm or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of cotton was reduced sufficiently to affect materially the division of payments or deductions the net payment or net deduction, if any, with respect to the cotton acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of the cotton crop had cotton been harvested on the farm in 1938 or the cotton acreage had not been so reduced.

B. Deductions with respect to soil-building practices on class A farms.- The net deductions for any farm with respect to failure to meet the soil-building goal shall be divided among the landlords, tenants, and sharecroppers in the same proportion that such persons are entitled to share in the proceeds of the cotton crop as indicated under the division of payments in sub-section A of this section IV.

C. Payments with respect to soil-building practices on class B farms.- The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practices; provided, that if the persons who carried out the practice establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, such units shall be divided in the proportion which the county committee determines each person contributed thereto.

D. Proration of net deductions.- If, with respect to any farm, the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm, the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of such net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm, except that the amount of such net deductions in excess of such net payments for any Class B farm for which no cotton acreage allotment is established shall be disregarded.

Section V. Increase in Small Payments.- The total payment computed under sections II to IV, inclusive, for any person with respect to any farm shall be increased as follows:

1. Any payment amounting to 71 cents or less shall be increased to \$1.00;
2. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
3. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:



Amount of pay- ment computed	Increase in payment	Amount of pay- ment computed	Increase in payment
\$ 1.00 to \$ 1.99	\$0.40	\$ 32.00 to \$ 32.99	\$10.40
2.00 to 2.99	.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	Increase to \$200.
31.00 to 31.99	10.20	200.00 and over	No increase.

#### Section VI. Deductions Incurred on Other Farms.-

A. Other farms in the same county.- If the deductions computed under section III with respect to any farm exceed the payment for full performance on such farm computed under section II, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in the county.

B. Other farms in the State.- If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the

payments computed for such landlord or tenant with respect to any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

Section VII. Deduction for Association Expenses.- There shall be deducted pro rata from the payments with respect to any farm in Pulaski County all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the Pulaski County Agricultural Conservation Association.

Section VIII. Materials Furnished as Grants of Aid.- Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that, in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm, the amount by which the deduction exceeds the payment shall be repaid by him to the Secretary.

Section IX. General Provisions Relating to Payments.-

A. Payment restricted to effectuation of purposes of the program.- All or any part of any payment which otherwise would be made to any person under the 1938 Pulaski Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices. No payment shall be computed with respect to any farm which is idle in 1938.

B. Payment computed and made without regard to claims.- Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deductions of claims for advances (except as provided in subsection D of this section IX), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.



C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.- 1. If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Pulaski Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, Pulaski County, Arkansas, and the county committee certifies that the change is not justified and disapproves such change, payments to the landlord under the 1938 Pulaski Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938.

2. If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the three years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord and the county committee certifies that the reduction is not justified and disapproves such reduction, the payments to the landlord shall not be greater than the amount that would otherwise be made if the average number of tenants in such three-year period had not been reduced.

3. If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Pulaski Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Pulaski Program.

D. Assignments.- Any person who may be entitled to any payment in connection with the 1938 Pulaski Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for the purpose mentioned in clause (2) above.

Nothing contained in this section IX shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled, nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. Excess cotton acreage.- 1. Any person who makes application for payment with respect to any farm located in Pulaski County shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938, and that cotton was not planted in excess of such allotment by his authority or with his consent.

2. Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Pulaski Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938.

F. Use of soil-conserving crops for market.- No payment will be made with respect to any farm unless on such farm in 1938 an acreage not devoted to cotton, corn, small grains harvested for grain or hay, grain sorghums, sweet sorghums for sirup, soybeans harvested for seed for crushing, and truck and vegetable crops is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of cotton, corn, small grains harvested for grain or hay, grain sorghums, sweet sorghums for sirup, soybeans harvested for seed for crushing and truck and vegetable crops on such farm exceeds the acreage devoted to cotton, corn, small grains harvested for grain or hay, grain sorghums, sweet sorghums for sirup, soybeans harvested for seed for crushing, and truck and vegetable crops on the farm in 1938; provided, that payment shall not be denied any farmer for using such soil-conserving crops for market (1) if, in Pulaski County, the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows, (2) if, on such farm, the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows, or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph if either (1) the increase above normal in the number of dairy cows on his farm does not exceed two cows, or (2) none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than 10 percent of the milk, or products thereof, produced on the farm. The county, as a



whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed 10 percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than 10 percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland, excluding peanuts harvested for nuts, soybeans harvested for seed for crushing, and legumes used as truck crops.

#### Section X. Application for Payment.-

A. Persons eligible to file applications.- An application for payment with respect to a farm may be made by any person for whom, under the provisions of section IV, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2), if the farm is a class B farm, who is owner of such class B farm and participates thereon in 1938 in carrying out approved soil-building practices.

B. Time and manner of filing application and information required.- Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms by mailing the same to the office of the county committee and making copies of the same available to the press.

C. Applications for other farms.- If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on

more than one farm in the county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

Section XI. Soil-Building Practices.- The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein when carried out in 1938 in accordance with specifications, if any, issued by the regional director, or by the State committee with the approval of the regional director, and when performed in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal Agency.

#### Schedule of Soil-Building Practices

A. Each of the following practices in the amounts specified shall be counted as one unit, provided that when the materials specified in items 1 or 2 are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or Natal grass, when seeded or grown in connection with a small-grain crop, no part of the material applied shall be counted.

1. Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

2. Application of 500 pounds of basic slag or rock phosphate (including colloidal phosphate) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.



3. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

4. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes - 10 pounds of seed.

5. Contour ridging of noncrop open pasture land - 750 linear feet of ridge or terrace.

6. Application of not less than two tons, air-dry weight, of straw or equivalent mulching materials, excluding barnyard and stable manure, per acre in commercial orchards or on commercial vegetable land.

7. Application of 1500 pounds of ground limestone or its equivalent.

B. Each acre of the following shall be counted as one unit:

8. Seeding annual legumes alone, biennial legumes, perennial legumes, perennial grasses, or mixtures containing perennial grasses, perennial legumes, or biennial legumes (except permanent pasture mixtures qualifying under practice number 10).

9. Green manure crops and cover crops (excluding lespedeza, peanuts hogged off, and any crop for which credit is given in 1938 under any other practice) of which a good stand and good growth is (1) plowed or disced under on land not subject to erosion, or, if subject to erosion, such crop is followed by a winter cover crop, or (2) left on the land as a temporary mulch in orchards or on commercial vegetable or Irish potato land, or on cropland in a regular cropping rotation.

C. Each acre of the following shall be counted as two units:

10. Seeding permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop.

11. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted between January 1, 1934 and January 1, 1938.

12. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses.

D. Each acre of the following shall be counted as five units:

13. Planting forest trees (including shrubs in protective plantings) provided such trees are protected and cultivated in accordance with good tree culture practice.

E. Each two acres of the following shall be counted as one unit:

14. Summer legumes (excluding peanuts and summer legumes used as truck crops) interplanted or grown in combination with row crops such as corn, sorghums, and cotton, provided a good stand and a good growth is left on the land or turned under, and provided further that the summer legume occupies at least one-third of the land.

F. Each four acres of the following shall be counted as one unit:

15. Contour listing or furrowing noncrop land.

16. Stripcropping other than for protection of summer-fallowed acreage.

Section XII. Normal Cotton Yields.- The county committee, with the assistance of other local committees in the county, in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration, shall determine a normal yield per acre for each farm for which a cotton allotment will be established.

1. Where reliable records of the actual average yield of cotton per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

2. If for any year of such five-year period records of the actual average yield per acre are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period.

3. The yields determined under paragraph 2 of this section shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments established for such farms) shall conform to the county (or administrative area) average yield established by the Secretary.

Section XIII. Appeals.- Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest, within 15 days after notice thereof is forwarded to or available to him, may request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters:



1. Eligibility to file an application for payment;
2. Any cotton acreage allotment or soil-building goal;
3. The division of payment; or
4. Any other matter affecting the right to or the amount of his payment with respect to the farm.

The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may appeal in writing to the State committee within 15 days after such decision is forwarded to or made available to him. The State committee shall inform such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may request the regional director to review the decision of the State committee within 15 days after such decision is forwarded to or made available to him.

Section XIV. Bulletins, Instructions, and Forms.- The Agricultural Adjustment Administration shall prepare and issue such bulletins, instructions, and forms as may be required in administering the 1938 Pulaski Program.

Section XV. Definitions.- For the purposes of the 1938 Pulaski Program:

SECRETARY means the Secretary of Agriculture of the United States.

REGIONAL DIRECTOR or DIRECTOR OF THE SOUTHERN DIVISION means the director of the Southern Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the Southern Region.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

STATE COMMITTEE means the group of persons designated within the State to assist in the administration of the 1938 Agricultural Conservation Program.

COUNTY COMMITTEE means the group of persons elected within the county to assist in the administration of the 1938 Pulaski Program.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

LANDLORD means a person who owns land and rents such land to another person, or operates such land.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Pulaski Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops;

provided, that land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

CLASS A FARMS are farms for which a cotton acreage allotment of 5 acres or more is made.

CLASS B FARMS means all farms which are not class A farms.

CROPLAND means farm land which is tilled annually or in a regular rotation, including commercial orchards and any other land which has been planted since January 1, 1930, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, Pulaski County, Arkansas, and including also land planted to non-commercial orchards other than abandoned orchards.



1938 PULASKI PROGRAM means the 1938 Pulaski County, Arkansas, Agricultural Conservation Program.

COTTON means cotton the staple of which is normally less than 1-1/2 inches in length.

(SEAL)

Done at Washington, D. C.,  
this 14th day of June, 1938.  
Witness my hand and the seal of  
the Department of Agriculture.

*H Wallace*

Secretary of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

Southern Division

1938 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 201

Supplement 2

Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, Southern Region Bulletin 201, as amended, is hereby further amended as follows:

Amendment 16

Item 1 of subsection A of section IV is hereby amended by adding at the end thereof the following:

"The acreage planted to cotton shall be deemed to be that acreage which is seeded to cotton classified as soil-depleting."

Amendment 17

Item 7 of subsection A of section V is hereby amended to read as follows:

"7. Total soil-depleting acreage allotments.- The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment, less the acreages for which deductions are made under items 1 to 6, inclusive, of this subsection A:

(a) 60 cents per bushel of the normal yield per acre of wheat for the farm if a payment is computed for the farm under section IV with respect to a wheat acreage allotment.

(b) 5 times the rate of payment with respect to general soil-depleting crops if the farm is a class A farm and no payment is computed for the farm under section IV with respect to a wheat acreage allotment.

(c) \$4.00 per acre if the farm is a class B farm and a payment is computed for the farm under section IV with respect to a cotton, tobacco, peanut, Irish potato, or rice acreage allotment but no payment is computed for the farm under section IV with respect to a wheat acreage allotment."

Amendment 18

The last paragraph of subsection A of section VI is hereby amended to read as follows:





"In the event that cotton, rice, wheat, tobacco, peanuts for market, Irish potatoes, or general crops are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deduction, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and share-croppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if such crop(s) had been harvested on the farm in 1938 or if the acreage of such crop(s) had not been so reduced."

Amendment 19

Subsection E of section XI is hereby amended to read as follows:

"E. Excess Cotton Acreage.- 1. Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1938 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938, and that cotton was not planted in excess of such allotment by his authority or with his consent.

"2. Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938."

Amendment 20

Item 4 of subsection A of section XIII is hereby amended to read as follows:

"4. Cotton (except when such crop fails to reach the stage of growth at which bolls are first formed)."

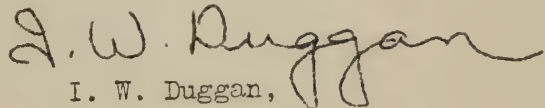
Amendment 21

The definition of class A farms contained in section XVIII is amended to read as follows:

"CLASS A FARMS are farms for which general crop acreage allotments are established and include:

1. All farms in the following counties in Arkansas: Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Franklin, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Perry, Prairie (except area II), Randolph (except area I), Saline, Scott, Searcy, Sebastian (except area I), Sharp, Stone, Van Buren, Washington, and Yell.
2. All farms in Oklahoma and Texas."

Issued June 1, 1938, with the approval of the Administrator and the undersigned.



I. W. Duggan,  
Director, Southern Division,  
Agricultural Adjustment Administration.





SRB-201  
Supplement 3



Issued September 8, 1938

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

SOUTHERN DIVISION

1938 AGRICULTURAL CONSERVATION PROGRAM  
SOUTHERN REGION BULLETIN 201

Supplement 3

Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, Southern Region Bulletin 201 is hereby amended as follows:

Amendment 22

Item 8 of subsection A of section III is hereby deleted.

Amendment 23

The last sentence of item 1 of subsection A of section IV is hereby amended to read as follows:

"The acreage planted to cotton shall be deemed to be that acreage which is seeded to cotton and classified as soil-depleting and also, for the purposes of this provision, that acreage seeded to cotton which is seriously damaged or destroyed by flood, drought, hail, insects, or other uncontrollable natural causes but is not classified as soil-depleting."

Amendment 24

The word "other" appearing in the first sentence of subsection C of section VI is hereby deleted.

Amendment 25

Subsection A of section XII is hereby amended to read as follows:

"A. Persons Eligible to File Applications. An application for payment with respect to a farm may be made by any person for whom, under the provisions of section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1938 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land."

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Amendment 26

The definition of class A farms in section XVIII, as amended, is hereby further amended to read as follows:

"CLASS A FARMS include:

- (1) All farms in Oklahoma.
- (2) All farms in Texas except in Reeves and El Paso Counties.
- (3) All farms in the following counties in Arkansas: Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Franklin, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Perry, Prairie (except Area II), Randolph (except Area I), Saline, Scott, Searcy, Sebastian (except Area I), Sharp, Stone, Van Buren, Washington, and Yell."

Amendment 27

Item 4 of subsection A of section V is hereby amended to read as follows:

- (4) "Peanuts.--1.2 cents per pound (\$1.20 per 100 pounds) of the normal yield for the farm for each acre of peanuts for market in excess of the peanut acreage allotment."

Amendment 28

Subsection F of section XI is hereby amended to read as follows:

"F. Use of Soil-Conserving Crops for Market.-- No payment will be made with respect to any farm unless on such farm in 1938 an acreage of cropland or restoration land, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm or (2) the acreage devoted to soil-depleting crops on the farm in 1938: Provided, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the

provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

"Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions unless: (1) the number of cows kept for the production of milk in the county exceeds by more than five percent the normal number of such cows; (2) the acres retired from soil-depleting crops in the county exceed five percent of the normal acreage of such crops and exceed 1,000 acres; and (3) the average number of cows kept for the production of milk exceeds two cows per farm and exceeds two cows per 160 acres of farm land.

"The normal acreage of soil-depleting crops and the number of cows kept for the production of milk or the products thereof for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department, and shall announce, the counties not deemed to be in substantial compliance.

"As used in this subsection F, the term 'for market' means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term 'soil-conserving crops' means grasses and legumes grown on cropland except those classified as soil-depleting under section XIII thereof."

#### Amendment 29

The first paragraph of section V is hereby amended to read as follows:

"Payments computed for any farm under the provisions of section IV shall be subject to all of the following deductions which are applicable to the farm, Provided, That in any case where, through error in a county or State office, the producer was officially notified in writing, prior to

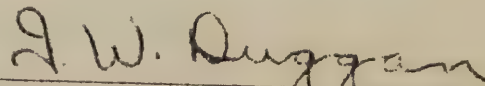


completion of planting, of an acreage allotment larger than the finally approved acreage allotment and was not notified of the finally approved acreage allotment until after planting was completed, and the county committee finds that the producer, acting solely upon information contained in the erroneous notice, planted an acreage of soil-depleting crops in excess of the finally approved acreage allotment, such deduction for excess acreage of soil-depleting crops will be made only with respect to the acreage in excess of the allotment erroneously issued."

Amendment 30

The second paragraph of subsection A of section VI, as amended, is hereby further amended to read as follows:

"The net payment or net deduction computed with respect to the restoration land goal for any farm, which is owned by one person and operated by one person, shall be divided in the same proportion that any payment with respect to the wheat acreage allotment for such farm is divided among landlords, tenants, and sharecroppers, provided that if no payment is computed with respect to a wheat acreage allotment for such farm, the net payment or net deduction with respect to the restoration land goal shall be divided in the same proportion that any payment in connection with general soil-depleting crops for such farm is, or would be, divided among landlords, tenants, and sharecroppers. The net payment or net deduction computed with respect to the restoration land goal for any farm which comprises field-rented or separately-owned tracts shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either proportionate acreages or percentages) that such persons contribute to the restoration land on such farm. Each person shall be deemed to have contributed to the acreage of restoration land on a field-rented or separately-owned tract in the proportion that the principal crop normally grown on such tract is divided. In the event that restoration land is designated for a farm which is not operated by a tenant in 1938, the net payment or net deduction, if any, with respect to such restoration land goal shall be attributed to the owner of such farm."



I. W. Duggan

Director, Southern Division,  
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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

1938 AGRICULTURAL CONSERVATION PROGRAM  
SOUTHERN REGION

SOUTHERN REGION BULLETIN 201 AS AMENDED

[This bulletin is a compilation of Southern Region Bulletin 201 as issued by the Southern Division on March 25, 1938, with the approval of the Administrator; Supplement 1, issued April 22, 1938; Supplement 2, issued June 1, 1938; and Supplement 3, issued September 8, 1938. All material added by the supplements to said bulletin is enclosed in black brackets and is identified in footnotes.]

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Pursuant to the provisions of the 1938 Agricultural Conservation Program Bulletin, as amended February 19, 1938 (ACP-1938-3), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made for participation in the Southern Region in the 1938 Agricultural Conservation Program in accordance



with the provisions of this Southern Region Bulletin 201 (SRB-201) and such modifications thereof or other provisions as may hereafter be made. This Southern Region Bulletin includes all the provisions of said 1938 Agricultural Conservation Program Bulletin which are applicable to the Southern Region, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the Southern Division.

[The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act as amended, and the extent of national participation. Under the provisions of Section 105 of the Agricultural Adjustment Act of 1938, as amended, payments under the 1938 Agricultural Conservation Program, based on soil-depleting crops for which special acreage allotments are established, shall be made at not less than 90 percent of the rates specified in the 1938 Agricultural Conservation Program Bulletin (ACP-1938) approved by the Secretary of Agriculture October 23, 1937. The rates specified herein with respect to Irish potatoes and Georgia-Florida Type 62 tobacco are 90 percent of the rates approved for these commodities on October 23, 1937, and, therefore, will not be decreased. As an adjustment for participation the rates of payment and deduction with respect to each other commodity or item of payment may be decreased, and the rates of payment and deduction with respect to any commodity or item of payment may be increased, by as much as 10 percent.]<sup>1</sup>

The provisions of the 1938 Agricultural Conservation Program contained in this bulletin are not applicable in the Southern Region to (1) counties for which special programs under the Soil Conservation and Domestic Allotment Act are approved for 1938 by the Secretary and (2) land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

## SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS

**A. National Goals.**—The national goals in connection with the 1938 Agricultural Conservation Program are as follows:

1. The following acreages of soil-depleting crops:

	Acres	
[Cotton -----	27, 000, 000 to	29, 000, 000] <sup>1</sup>
Corn -----	94, 000, 000 to	97, 000, 000
Tobacco:		
Flue-cured -----	850, 000 to	875, 000
[Burley -----	440, 000 to	460, 000] <sup>1</sup>
Fire-cured and dark air-cured -----	170, 000 to	180, 000
Cigar filler and binder -----	85, 000 to	90, 000
Georgia-Florida Type 62 -----	2, 800 to	3, 000
Irish potatoes -----	3, 100, 000 to	3, 300, 000
Peanuts -----	1, 500, 000 to	1, 600, 000
Rice -----	825, 000 to	875, 000
Total soil-depleting crops -----	275, 000, 000 to	290, 000, 000

<sup>1</sup> Amendment 1 approved by the Administrator April 22, 1938.

<sup>2</sup> Amendment 2 approved by the Administrator April 22, 1938.

2. The seeding and maintenance of soil-conserving crops on the cropland not required in 1938 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying-out of soil-building practices that will preserve and improve soil fertility and prevent wind and water erosion.

**B. National and State Soil-Depleting Acreage Allotments and Restoration Land Goals.**—National and State acreage allotments of soil-depleting crops and State restoration land goals will be determined by the Secretary.

## SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS

**A. County Acreage Allotments of Soil-Depleting Crops.**—The Agricultural Adjustment Administration with the assistance of State committees shall establish county acreage allotments for total soil-depleting crops, and for cotton, wheat, tobacco, Irish potatoes, and peanuts for market, and goals for restoration land as hereinafter set forth. The soil-depleting acreage allotments for all counties in each State shall not exceed the applicable acreage allotment established for the State by the Secretary, except as otherwise provided in this bulletin.

1. **Total Soil-Depleting Acreage Allotments.**—County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever of the periods of 5 or more consecutive years since 1927 the Agricultural Adjustment Administration finds is most representative of normal conditions and the base acreages of total soil-depleting crops established in connection with the 1937 Agricultural Conservation Program, adjusted where necessary for farms for which provision was not made in 1937, with due allowance for trends in acreage of soil-depleting crops, farms for which the general crop acreage allotment will be as large as the usual acreage of general soil-depleting crops, and the relationship of the usual acreage of individual soil-depleting crops to the 1938 acreage allotments in counties where allotments for individual soil-depleting crops are established.

2. **Cotton Acreage Allotments.**—(a) County acreage allotments for cotton shall be determined as follows: The State acreage allotment of cotton (less 2 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State in making allotments to farms on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937) shall be prorated among the counties in the State on the basis of the acreage planted to cotton during the 5 years, 1933 to 1937, inclusive, plus, in the applicable years, the acreage diverted from the production of cotton under agricultural adjustment and conservation programs, *provided*, that there shall be added to the acreage allotment for each county so determined the number of acres, if any, required to provide an acreage allotment for each county of not less than 60 percent of the sum of (1) the acreage therein planted to cotton in 1937, and (2) the acreage therein diverted from the pro-

duction of cotton in 1937 under the agricultural conservation program.

(b) In any county where the Agricultural Adjustment Administration finds that there are one or more administrative areas which, because of differences in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas (1) on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from the production of cotton under the 1937 Agricultural Conservation Program, or (2) if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, on the basis of the cotton soil-depleting base acreages established under the 1937 Agricultural Conservation Program. Allotments to the farms within each such administrative area shall be made by distributing the allotment for such administrative area in the manner provided in section III for the apportionment of county cotton acreage allotments among farms.

**3. Wheat Acreage Allotments.**—County acreage allotments of wheat shall be established by distributing the State acreage allotment of wheat among the counties in the State pro rata on the basis of the acreage of wheat seeded for the production of wheat during the 10 years, 1928 to 1937, inclusive, plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs. If, on account of abnormal weather conditions, the acreage seeded for the production of wheat in a county in any year of such 10-year period was less than 50 percent, or more than 150 percent, of the average computed for the other 9 years, such year shall be eliminated in calculating the average acreage seeded for the production of wheat in such county. The average acreage seeded in any county for the production of wheat so determined shall be adjusted for trends in acreage by giving equal weight to the acreages seeded for the production of wheat and the acreages diverted from the production of wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the 10-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

**4. Tobacco Acreage Allotments.**—A county acreage allotment for each kind of tobacco shall be established by distributing the State acreage allotment for each kind of tobacco among the counties in the State on the basis of the base acreage of each kind of tobacco established for such counties under the 1937 Agricultural Conservation Program, taking into consideration allotments for small farms, trends in acreage, and plant-bed and other tobacco diseases.

**5. Irish Potato Acreage Allotments.**—County acreage allotments for Irish potatoes for the following counties which are designated as commercial Irish potato-producing areas shall be established by distributing their proportionate share of the State acreage allotment of Irish potatoes among such counties in the State pro rata on the basis of the average acreage devoted to Irish potatoes in such counties during the 5 years, 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial Irish potato-producing farms as reflected by the acreage planted to Irish potatoes in 1937, as compared with the average acreage planted during such 5-year period, and also



taking into consideration the acreage of Irish potatoes on noncommercial potato-producing farms:

ALABAMA.—Escambia.

FLORIDA.—Alachua, Bradford, Desota, Escambia, Flagler, Lee, Putnam, St. Johns, and Union.

GEORGIA.—Chatham.

OKLAHOMA.—Le Flore, Muskogee, and Wagoner.

SOUTH CAROLINA.—Beaufort, Charleston, Colleton, Hampton, Horry, Jasper, and Orangeburg.

No counties will be designated in Arkansas, Louisiana, Mississippi, or Texas.

**6. Peanut Acreage Allotments.**—County acreage allotments of peanuts for market for the following counties which are designated as commercial peanut-producing areas shall be established by distributing their proportionate share of the State acreage allotment of peanuts among such counties in the State pro rata on the basis of the base acreages for peanuts established for such counties under the 1937 Agricultural Conservation Program, taking into consideration trends in acreage on commercial peanut-producing farms:

ALABAMA.—Barbour, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, and Pike.

FLORIDA.—Holmes and Jackson.

GEORGIA.—Baker, Ben Hill, Brooks, Calhoun, Clay, Colquitt, Crisp, Decatur, Dooley, Dougherty, Early, Grady, Houston, Irwin, Lee, Macon, Miller, Mitchell, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Terrell, Thomas, Tift, Turner, Webster, Wilcox, and Worth.

OKLAHOMA.—Bryan.

TEXAS.—Atascosa, Bexar, Comanche, Eastland, Frio, Gillespie, LaSalle, Medina, and Wilson.

No counties will be designated in Arkansas, Louisiana, Mississippi, or South Carolina.

**B. County Restoration Land Goals.**—County goals for restoration land shall be established by distributing the State restoration land goal among the counties in the areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, on the basis of the amount of land in such counties which was cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

**C. County Soil-Building Goals.**—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent wind and water erosion.

### SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, restoration land goals, and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for farms in a county shall not exceed the applicable county acreage allotments established for the county by the

Agricultural Adjustment Administration; and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

**A. Soil-Depleting Acreage Allotments:**

**1. Total Soil-Depleting Acreage Allotment.**—The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage on the farm type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and, when the Agricultural Adjustment Administration finds it applicable, the acreage of food and feed crops needed for home consumption on the farm, taking into consideration allotments established for individual soil-depleting crops. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

**[2. Cotton Allotment.**—(a) County cotton acreage allotment shall be apportioned among the farms in the county on which cotton was planted in any one of the years, 1935, 1936, and 1937, in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1937 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or wheat or rice for feeding to livestock for market except that—

**[(1)** For any farm on which cotton was planted in any one of the years, 1935, 1936, and 1937, and on which the highest acreage planted to cotton and diverted from the production of cotton in any one of these three years was less than five acres, the cotton acreage allotment for the farm shall be such highest number of acres, if the county cotton acreage allotment is sufficient therefor;

**[(2)** For any farm on which cotton was planted in any one of the years 1935, 1936, and 1937, and on which the highest number of acres planted to cotton and diverted from the production of cotton in any one of these three years was five acres or more, the allotment for the farm shall not be less than five acres, if the county cotton acreage allotment is sufficient therefor;

**[(3)** Notwithstanding the foregoing provisions of paragraph (a) of this item 2, a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from the production of cotton in any of the years, 1935, 1936, and 1937, was five acres or less and the number of acres required for allotments of five acres for each other farm in the county on which cotton was planted in 1935, 1936, or 1937 may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937, and for which the allotment otherwise provided is five acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years, 1935, 1936, and 1937.

**[In making such allotments under clause (3) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this paragraph 2 (a) exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years, 1935, 1936, and 1937.**

[(b) In case the county allotment is insufficient to provide allotments to farms in the county, which are determined, under instructions issued by the Agricultural Adjustment Administration, to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms, under instructions issued by the Agricultural Adjustment Administration, such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with paragraph 2 (a) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under clauses (1) and (2) of paragraph 2 (a).

[(c) Notwithstanding the provision of paragraph 2 (a) above the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage as determined by the county committee under instructions issued by the Agricultural Adjustment Administration to have been planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program, provided that the cotton acreage allotment for any farm shall not be increased under this paragraph to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

[(d) That portion of the State acreage allotment not apportioned among the counties under section II, subsection A, paragraph 2 (a), hereof, shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years, 1935, 1936, and 1937, so as to result in comparable allotments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.]<sup>3</sup>

**3. Wheat Allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in the county on which wheat was not seeded for harvest in any of the years 1935, 1936, and 1937, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall be comparable with the wheat acreage allotment determined for other farms in the same community which are similar with respect to such factors. No wheat acreage allotment shall be established for any class B farm for which the normal production of wheat for market is less than 100 bushels.

<sup>3</sup> Amendment 3 approved by the Administrator April 22, 1938.



**4. Tobacco Allotment.**—A farm acreage allotment for each kind of tobacco shall be determined on the basis of past acreages of each kind of tobacco with due allowance for the effects of abnormal weather conditions and plant-bed and other tobacco diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The tobacco acreage allotment for any farm on which tobacco was grown in one or more of the years 1934 to 1937, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors; *provided*, that, in the case of flue-cured and Burley tobacco, special consideration shall be given to farms for which acreage allotments are small. The acreage allotment for any farm on which tobacco will be produced in 1938 for the first time since (but not including) 1933 shall not exceed 75 percent of the allotment for other farms in the same community on which the same kind of tobacco was produced since (but not including) 1933 which are similar with respect to land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco.

**5. Irish Potato Allotment.**—In counties designated in item 5 of section II A as commercial Irish potato-producing counties, allotments shall be determined for each farm normally producing Irish potatoes, excluding farms on which the acreage normally planted to Irish potatoes for market is determined to be less than 3 acres. No Irish potato-acreage allotment shall be less than 3 acres. Irish potato-acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, production facilities, and the acreage of Irish potatoes customarily grown on the farm. The Irish potato-acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**6. Peanut Allotment.**—In counties designated in item 6 of section II A as commercial peanut-producing counties, peanut acreage allotments for farms shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, and the acreage of peanuts for market customarily grown on the farm. The peanut acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

**7. Rice Allotment.**—(a) A rice acreage allotment shall be determined for each farm on which rice is grown in 1938 on the basis of the rice acreage apportioned to the persons participating in the production of rice on the farm in 1938 and allocated by them to the farm; the acreage on the farm suited to rice production and for which water is readily available, and the acreage of rice customarily grown by such persons. The rice acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

(b) The State rice acreage allotment (less 1 percent or such smaller part thereof as the Agricultural Adjustment Administration determines shall be required in the State for apportionment as provided in paragraph 7 (c) below) shall be apportioned by the State com-

mittee, in accordance with instructions issued by the Agricultural Adjustment Administration, among the persons in the State who are participating in the production of rice in 1938 on the basis of their production of rice during the 5 years, 1933 to 1937, inclusive; land, labor, equipment, and water available for the production of rice; crop rotation practices, soil fertility, and other physical factors affecting the production of rice.

(c) That portion of the State rice acreage allotment not apportioned among farms pursuant to paragraph 7 (b) above shall be apportioned by the State committee, in accordance with instructions issued by the Agricultural Adjustment Administration, among the persons in the State who are participating in the production of rice in 1938 but who did not participate in the production of rice in any one of the years 1933 to 1937, inclusive; on the basis of land, labor, equipment, and water available for the production of rice; crop rotation practices, soil fertility, and other physical factors affecting the production of rice.

#### **B. Restoration Land and Soil-Building Goals:**

1. **Restoration Land Goal.**—Restoration land goals shall be determined on the basis of the land on the farm which was cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

2. **Soil-Building Goal.**—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under section IV, subsection C, with respect to (1) the soil-conserving acreage for class A farms or the acreage of cropland with respect to which a payment of 70 cents per acre is computed for class B farms, (2) the commercial vegetable acreage, (3) the commercial orchards, and (4) the noncrop open pasture land. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent wind and water erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

C. **Posting of Acreage Allotments.**—All acreage allotments established for farms in a county shall be posted or kept freely available for public inspection in the office of the county committee or county agricultural extension agent.

### **SECTION IV. PAYMENT FOR FULL PERFORMANCE**

Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments and for achieving soil-building and restoration land goals in an amount which shall be the sum of the following:

**[A. Soil-Depleting Acreage Allotments.—1. Cotton.**—2.4 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment; or, if the acreage planted

to cotton is less than 80 percent of the cotton acreage allotment and the county committee finds that the failure to plant 80 percent of such cotton acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to cotton.<sup>4</sup> [The acreage planted to cotton shall be deemed to be that acreage which is seeded to cotton and classified as soil-depleting and also, for the purposes of this provision, that acreage seeded to cotton which is seriously damaged or destroyed by flood, drought, hail, insects, or other uncontrollable natural causes but is not classified as soil-depleting.]<sup>5</sup>

**[2. Wheat.]**—12 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment and the county committee finds that the failure to plant 80 percent of such wheat acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to wheat. The acreage planted to wheat shall be deemed to be that acreage which is seeded to wheat classified as soil-depleting under subsection B of section XIII.

**[3. Tobacco.]**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

	Cents
(a) Burley .....	0.5
(b) Flue-cured .....	1.0
(c) Georgia-Florida Type 45 .....	1.0
(d) Georgia-Florida Type 62 .....	1.8

*provided*, that, if the acreage planted to Georgia-Florida Type 45 tobacco is less than 80 percent of the acreage allotment therefor and the county committee finds that the failure to plant 80 percent of the acreage allotment was not due to flood, drought, or plant-bed diseases, the payment shall be computed on 125 percent of the acreage planted to Georgia-Florida Type 45 tobacco.

**[4. Irish potatoes.]**—5.4 cents per bushel of the normal yield per acre of Irish potatoes for the farm for each acre of Irish potatoes planted on the farm in 1938 not in excess of the Irish potato acreage allotment.

**[5. Peanuts.]**—0.2 of a cent per pound (20 cents per 100 pounds) of the normal yield per acre of peanuts for the farm for each acre in the peanut acreage allotment.

**[6. Rice.]**—0.125 of a cent per pound (12½ cents per 100 pounds) of the normal yield per acre of rice for the farm for each acre in the rice acreage allotment; or if the acreage planted to rice is less than 80 percent of the rice acreage allotment and the county committee finds that failure to plant 80 percent of such rice acreage allotment was not due to flood or drought, for 125 percent of the acreage planted to rice. The acreage planted to rice shall be deemed to be that acreage which is seeded to rice.

**[7. General soil-depleting crops on class A farms.]**—\$1.25 per acre, adjusted for productivity, for each acre in the total soil-depleting acreage allotment established for any class A farm in excess of the sum of (1) the acreages used in computing payments with respect to the wheat, Irish potato, rice, and peanut acreage allotments estab-

<sup>4</sup> Amendment 4 approved by the Administrator April 22, 1938.

<sup>5</sup> Amendment 23 approved by the Administrator September 8, 1938.



lished for the farm; and (2)  $1\frac{1}{4}$  times the acreage used in computing payments with respect to the cotton and Burley tobacco acreage allotments established for the farm.】<sup>6</sup>

**B. Restoration Land Goals.**—50 cents per acre for each acre in the restoration land goal established for the farm.

**C. Payments in Connection With Soil-Building Practices:**

【1. (a) 50 cents per acre of cropland on any class A farm in excess of the total soil-depleting acreage allotment for the farm.

【(b) 70 cents per acre of cropland on any class B farm in excess of the sum of (1) the acreage used in computing payments with respect to the wheat, Irish potato, rice, peanut, Georgia-Florida Type 45 tobacco, and Georgia-Florida Type 62 tobacco acreage allotments established for the farm; (2)  $1\frac{1}{2}$  times the acreages used in computing payments with respect to the cotton, flue-cured tobacco, and Burley tobacco acreage allotments established for the farm; and (3) the acreage of sugarcane for sugar planted on the farm in 1938.】<sup>7</sup>

2. \$1.50 per acre for the average acreage of land on which commercial vegetables were grown on the farm in 1936 and 1937 (if grown in only one year, one-half of the acreage in such year shall be used).

3. \$2.00 per acre of commercial orchards on the farm January 1, 1938.

4. (a) 2 cents per acre of noncrop open pasture land in the farm, plus \$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture in Oklahoma and Texas.

(b) 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land in all States other than Oklahoma and Texas.

## SECTION V. PAYMENTS FOR PARTIAL PERFORMANCE

【Payments computed for any farm under the provisions of section IV shall be subject to all of the following deductions which are applicable to the farm:<sup>8</sup> *Provided*, That in any case where, through error in a county or State office, the producer was officially notified in writing, prior to completion of planting, of an acreage allotment larger than the finally approved acreage allotment and was not notified of the finally approved acreage allotment until after planting was completed, and the county committee finds that the producer, acting solely upon information contained in the erroneous notice, planted an acreage of soil-depleting crops in excess of the finally approved acreage allotment, such deduction for excess acreage of soil-depleting crops will be made only with respect to the acreage in excess of the allotment erroneously issued.】<sup>9</sup>

**A. Deductions for Excess Acreages of Soil-Depleting Crops:**

1. **Cotton.**—5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton acreage allotment.

<sup>6</sup> Amendment 4 approved by the Administrator April 22, 1938.

<sup>7</sup> Amendment 5 approved by the Administrator April 22, 1938.

<sup>8</sup> See item 2, section XI A regarding a deduction for exceeding the total soil-depleting acreage allotment on a class B farm not having a special soil-depleting acreage allotment; also item 2, section XI E for a special provision regarding excess cotton acreage.

<sup>9</sup> Amendment 29 approved by the Administrator September 8, 1938.

**[2. Tobacco.**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in excess of the respective acreage allotment for each of the following kinds of tobacco:

	<i>Cents</i>
(a) Burley.....	5
(b) Flue-cured.....	10
(c) Georgia-Florida Type 45.....	10
(d) Georgia-Florida Type 62.....	18

**[3. Irish potatoes.**—54 cents per bushel of the normal yield per acre for the farm for each acre of Irish potatoes in excess of the Irish potato acreage allotment.]<sup>10</sup>

**[4. Peanuts.**—1.2 cents per pound (\$1.20 per 100 pounds) of the normal yield for the farm for each acre of peanuts for market in excess of the peanut acreage allotment.]<sup>11</sup>

**5. Rice.**—1 cent per pound (\$1.00 per 100 pounds) of the normal yield for the farm on the acreage by which the rice acreage exceeds the rice acreage allotment.

**6. Commercial Vegetables.**—In the following counties which are designated as counties where commercial vegetables and Irish potatoes are grown generally on the same farms, a deduction at the rate applicable to the farm under this section V with respect to Irish potatoes shall be made from the payment with respect to any farm having an Irish potato acreage allotment for each acre on which commercial vegetables are grown in 1938 in excess of the annual average acreage on which commercial vegetables were grown on the farm in 1936 and 1937 (adjusted, where necessary, for the effect of abnormal weather conditions on plantings in such years); on farms where adjustments for abnormal weather conditions are made in the acreage of commercial vegetables grown in 1936 and 1937, as provided in this item 6, such adjusted acreage shall also be used under item 2 of subsection C of section IV in computing the payment with respect to the farm:

ALABAMA.—Escambia.

FLORIDA.—De Sota and Lee.

GEORGIA.—Chatham.

SOUTH CAROLINA.—Beaufort and Charleston.

No counties will be designated in Arkansas, Louisiana, Mississippi, Oklahoma, or Texas.

**[7. Total Soil-Depleting Acreage Allotments.**—The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment, less the acreages for which deductions are made under items 1 to 6, inclusive, of this subsection A:

**[(a)** 60 cents per bushel of the normal yield per acre of wheat for the farm if a payment is computed for the farm under section IV with respect to a wheat acreage allotment.

**[(b)** 5 times the rate of payment with respect to general soil-depleting crops if the farm is a class A farm and no payment is computed for the farm under section IV with respect to a wheat acreage allotment.

<sup>10</sup> Amendment 6 approved by the Administrator April 22, 1938.

<sup>11</sup> Amendment 27 approved by the Administrator September 8, 1938.

[(c) \$4.00 per acre if the farm is a class B farm and a payment is computed for the farm under section IV with respect to a cotton, tobacco, peanut, Irish potato, or rice acreage allotment but no payment is computed for the farm under section IV with respect to a wheat acreage allotment.]<sup>12</sup>

**B. Deductions for Failure to Carry Out Soil-Building Practices and Conservation Measures:**

1. \$1.50 for each unit by which the soil-building goal is not reached.
2. \$1.00 for each acre of restoration land on which there are not carried out in 1938 conservation measures specified by the county committee in accordance with instructions issued by the Agricultural Adjustment Administration.

**C. Deduction for Failure to Prevent Wind and Water Erosion.**—\$1.00 for each acre of land, other than restoration land, in the following counties which are subject to serious wind or water erosion hazards, with respect to which there are not adopted in 1938 methods recommended by the State committee and approved by the Agricultural Adjustment Administration for the prevention of wind or water erosion:

OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward.

TEXAS.—Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Donley, Ector, Floyd, Gaines, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Winkler, and Yoakum.

**D. Deduction for Breaking Out of Native Sod.**—\$3.00 for each acre of native sod or any other land which was cropped but is not classified as cropland or pasture land which, in the following areas which are subject to extremely serious wind erosion, is broken out during the period November 1, 1937, to October 31, 1938, inclusive, unless the breaking out of such land is approved by the county committee as a good-farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover; such acreage of cropland to be in addition to that designated as restoration land:

OKLAHOMA.—Beaver, Cimarron, and Texas.

TEXAS.—Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, and Sherman.

## SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

**[A. Payments and Deductions in Connection With Acreage Allotments and Restoration Land Goals.**—The net payment or net deduction computed for any farm with respect to the cotton, rice, wheat, tobacco, peanut, or Irish potato acreage allotment, or general soil-depleting crops, shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the cotton, rice, wheat, tobacco, peanuts for market,

<sup>12</sup> Amendment 17 approved by the Administrator June 1, 1938.



Irish potatoes, or general crops, respectively, grown on the farm in 1938.]<sup>13</sup>

[[The net payment or net deduction computed with respect to the restoration land goal for any farm, which is owned by one person and operated by one person, shall be divided in the same proportion that any payment with respect to the wheat acreage allotment for such farm is divided among landlords, tenants, and sharecroppers, provided that if no payment is computed with respect to a wheat acreage allotment for such farm, the net payment or net deduction with respect to the restoration land goal shall be divided in the same proportion that any payment in connection with general soil-depleting crops for such farm is, or would be, divided among landlords, tenants, and sharecroppers. The net payment or net deduction computed with respect to the restoration land goal for any farm which comprises field-rented or separately owned tracts shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either proportionate acreages or percentages) that such persons contribute to the restoration land on such farm. Each person shall be deemed to have contributed to the acreage of restoration land on a field-rented or separately owned tract in the proportion that the principal crop normally grown on such tract is divided. In the event that restoration land is designated for a farm which is not operated by a tenant in 1938, the net payment or net deduction, if any, with respect to such restoration land goal shall be attributed to the owner of such farm.]<sup>14</sup>

[[In computing such net payments and net deductions with respect to acreage allotments, general crops, and restoration land goals, the deduction with respect to commercial vegetables (item 6, subsection A, section V) shall be regarded as a pro rata deduction with respect to the Irish potato acreage allotment. The total amount of deductions computed under section V with respect to (1) soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 7, subsection A, section V); (2) failure to prevent wind and water erosion (subsection C, section V); and (3) breaking out of native sod (subsection D, section V) shall be regarded (a) as pro rata deductions with respect to the payments computed under section IV in connection with the wheat acreage allotment and general soil-depleting crops on class A farms; (b) as deductions with respect to the wheat acreage allotment on class B farms for which a payment is computed under section IV in connection with a wheat acreage allotment; (c) as pro rata deductions with respect to the payments computed under section IV in connection with crop acreage allotments on class B farms for which no payment is computed in connection with a wheat acreage allotment; or (d) as deductions with respect to the soil-building goal on class B farms for which no payment is computed under section IV in connection with crop acreage allotments, provided that any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.]]<sup>15</sup>

<sup>13</sup> Amendment 7 approved by the Administrator April 22, 1938.

<sup>14</sup> Amendment 30 approved by the Administrator September 8, 1938.

<sup>15</sup> Amendment 7 approved by the Administrator April 22, 1938.

[In the event that cotton, rice, wheat, tobacco, peanuts for market, Irish potatoes, or general crops are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deduction, if any, with respect to the acreage allotment for such crops(s) shall be divided among the landlords, tenants, and share-croppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if such crop(s) had been harvested on the farm in 1938 or if the acreage of such crop(s) had not been so reduced.]<sup>18</sup>

**B. Payments With Respect to Soil-Building Practices.**—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice; *provided*, that if the persons who carried out the practice establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, such units shall be divided in the proportion which the county committee determines each person contributed thereto.

**C. Proration of Net Deductions.**—If, with respect to any farm, the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm, the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

## SECTION VII. INCREASE IN SMALL PAYMENTS

The total payment computed under sections IV to VI, inclusive, for any person with respect to any farm shall be increased as follows:

1. Any payment amounting to 71 cents or less shall be increased to \$1.00;
2. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

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<sup>18</sup> Amendment 18 approved by the Administrator June 1, 1938.

3. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1 to \$1.99	\$0. 40	\$32 to \$32.99	\$10. 40
\$2 to \$2.99	. 80	\$33 to \$33.99	10. 60
\$3 to \$3.99	1. 20	\$34 to \$34.99	10. 80
\$4 to \$4.99	1. 60	\$35 to \$35.99	11. 00
\$5 to \$5.99	2. 00	\$36 to \$36.99	11. 20
\$6 to \$6.99	2. 40	\$37 to \$37.99	11. 40
\$7 to \$7.99	2. 80	\$38 to \$38.99	11. 60
\$8 to \$8.99	3. 20	\$39 to \$39.99	11. 80
\$9 to \$9.99	3. 60	\$40 to \$40.99	12. 00
\$10 to \$10.99	4. 00	\$41 to \$41.99	12. 10
\$11 to \$11.99	4. 40	\$42 to \$42.99	12. 20
\$12 to \$12.99	4. 80	\$43 to \$43.99	12. 30
\$13 to \$13.99	5. 20	\$44 to \$44.99	12. 40
\$14 to \$14.99	5. 60	\$45 to \$45.99	12. 50
\$15 to \$15.99	6. 00	\$46 to \$46.99	12. 60
\$16 to \$16.99	6. 40	\$47 to \$47.99	12. 70
\$17 to \$17.99	6. 80	\$48 to \$48.99	12. 80
\$18 to \$18.99	7. 20	\$49 to \$49.99	12. 90
\$19 to \$19.99	7. 60	\$50 to \$50.99	13. 00
\$20 to \$20.99	8. 00	\$51 to \$51.99	13. 10
\$21 to \$21.99	8. 20	\$52 to \$52.99	13. 20
\$22 to \$22.99	8. 40	\$53 to \$53.99	13. 30
\$23 to \$23.99	8. 60	\$54 to \$54.99	13. 40
\$24 to \$24.99	8. 80	\$55 to \$55.99	13. 50
\$25 to \$25.99	9. 00	\$56 to \$56.99	13. 60
\$26 to \$26.99	9. 20	\$57 to \$57.99	13. 70
\$27 to \$27.99	9. 40	\$58 to \$58.99	13. 80
\$28 to \$28.99	9. 60	\$59 to \$59.99	13. 90
\$29 to \$29.99	9. 80	\$60 to \$185.99	14. 00
\$30 to \$30.99	10. 00	\$186 to \$199.99	(1)
\$31 to \$31.99	10. 20	\$200 and over	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

## SECTION VIII. DEDUCTIONS INCURRED ON OTHER FARMS

**[A. Other Farms in the Same County.**—If the deductions computed under section V with respect to any farm in a county exceed the payment for full performance on such farm computed under section IV, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

**[B. Other Farms in the State.**—If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceeds the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the state if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.]<sup>17</sup>

<sup>17</sup> Amendment 8 approved by the Administrator April 22, 1938.



## SECTION IX. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

## SECTION X. MATERIALS FURNISHED AS GRANTS OF AID

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that, in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm, the amount by which the deduction exceeds the payment shall be repaid by him to the Secretary.

## SECTION XI. GENERAL PROVISIONS RELATING TO PAYMENTS

[A. *Payment Restricted to Effectuation of Purposes of the Program.*—1. All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs, (2), if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices. No payment, other than a payment in connection with the restoration land goal, shall be computed with respect to any farm which is idle in 1938.]<sup>18</sup>

2. If on any class B farm for which no wheat, cotton, tobacco, peanut, Irish potato, or rice acreage allotment is established the acreage seeded to soil-depleting crops in 1938 is in excess of 50 acres and in excess of the total soil-depleting acreage allotment, the deduc-

<sup>18</sup> Amendment 9 approved by the Administrator April 22, 1938.

tion provided in paragraph 7 (c) of subsection A of section V shall be applicable to such farm, if the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm.

3. In the following counties which are subject to serious wind erosion, no payment will be made to any person with respect to any farm which such person owns or operates in a county if he allows any part of the cultivated land in any such farm to become a wind erosion hazard during 1938 by reason of failure to carry out wind erosion control measures approved by the county committee:

OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward.

TEXAS.—Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Donley, Ector, Floyd, Gaines, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Winkler, and Yoakum.

**B. Payment Computed and Made Without Regard to Claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deductions of claims for advances (except as provided in subsection D of this section XI), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.**—1. If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program and the county committee certifies that the change is not justified and disapproves such change, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938.

2. If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the three years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord and the county committee certifies that the reduction is not justified and disapproves such reduction, the payments to the landlord shall not be greater than the amount that would otherwise be made if the average number of tenants in such three-year period had not been reduced.

3. If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in

or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

**[D. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purposes of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for the purpose mentioned in clause (2) above.

**[Nothing contained in this section XI shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled, nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.]**<sup>19</sup>

**[E. Excess Cotton Acreage.**—1. Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1938 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938, and that cotton was not planted in excess of such allotment by his authority or with his consent.

**[2. Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938.]**<sup>20</sup>

**[F. Use of Soil-Conserving Crops for Market.**—No payment will be made with respect to any farm unless on such farm in 1938 an acreage of cropland or restoration land, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-

<sup>19</sup> Amendment 10 approved by the Administrator April 22, 1938.

<sup>20</sup> Amendment 19 approved by the Administrator June 1, 1938.



depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm or (2) the acreage devoted to soil-depleting crops on the farm in 1938: *Provided*, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

[Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions unless: (1) the number of cows kept for the production of milk in the county exceeds by more than five percent the normal number of such cows; (2) the acres retired from soil-depleting crops in the county exceed five percent of the normal acreage of such crops and exceed 1,000 acres; and (3) the average number of cows kept for the production of milk exceeds two cows per farm and exceeds two cows per 160 acres of farm land.

[The normal acreage of soil-depleting crops and the number of cows kept for the production of milk or the products thereof for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department, and shall announce, the counties not deemed to be in substantial compliance.

[As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those classified as soil-depleting under section XIII hereof.]<sup>21</sup>

<sup>21</sup> Amendment 28 approved by the Administrator September 8, 1938.

## SECTION XII. APPLICATION FOR PAYMENT

**[A. Persons Eligible to File Applications.]**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of section VI a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1938 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.<sup>22</sup>

**B. Time and Manner of Filing Application and Information Required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for Other Farms.**—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

## SECTION XIII. SOIL-DEPLETING CROPS

Land devoted in 1938 to any of the following crops or uses or such other similar crops and uses as are designated by the Agricultural Adjustment Administration shall be classified as soil-depleting.

**A. Land planted to the following crops for harvest in 1938:**

1. Corn (including field corn, sweet corn, and popcorn).
2. Tobacco.<sup>23</sup>

**[3. Grain sorghums (except when a good stand and a good growth is plowed or disced under as a green manure crop before heading, in the following**

<sup>22</sup> Amendment 25 approved by the Administrator September 8, 1938.

<sup>23</sup> Each acre of Georgia-Florida Type 62 tobacco shall be classified as eight-tenths ( $\frac{8}{10}$ ) of an acre soil-depleting if—

(a) An average of at least four top leaves is left on each stalk on all of the acreage of Type 62 tobacco grown on the farm in 1938 and all such stalks are cut within 7 days after harvesting of the other leaves is completed and either left on the land for the remainder of 1938 or plowed under, and

(b) A cover crop of sorghum, cowpeas, velvet beans, or crotalaria, or any mixture of these, is seeded in 1938 on all land planted to Type 62 tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disced in before December 31, 1938, after it has attained at least 3 months' growth, provided such cover crop shall not be counted toward meeting the soil-building goal regardless of how used.

counties in Texas and in all counties in Texas lying east of these counties: Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Hays, Comal, Bexar, Wilson, Karnes, Bee, San Patricio, Nueces, and Kleberg).<sup>24</sup>

4. [Cotton (except when such crop fails to reach the stage of growth at which bolls are first formed).]<sup>25</sup>
5. Long staple cotton (normally having a staple of 1½ inches or more in length).
6. Sugarcane.
7. Rice.
8. Peanuts harvested for nuts.
9. Peanuts dug for hay.
10. Broomcorn.
11. Cultivated sunflowers.
12. Truck and vegetable crops (including strawberries, melons, cantaloupes, tomatoes, and sweetpotatoes), and their seeds.
13. Irish potatoes.
14. Bulbs and flowers.
15. Canning peas.

B. Land planted to wheat harvested for grain or hay in 1938 or any other land planted to wheat between August 1, 1937, and July 31, 1938, except:

1. When, in humid areas, (a) the land planted to wheat is used as a nurse crop or cover crop and is not harvested for grain or hay, or (b) a good stand and good growth of wheat is used as a green manure crop.

2. When in designated nonhumid areas of Oklahoma and Texas, the land seeded to wheat in the fall of 1937 is tilled, before a date to be specified by the Agricultural Adjustment Administration, in preparation for another crop or in connection with an approved conservation measure, *provided*, that in such areas the conservation measure to be instituted before the specified date is approved by the county committee and the land to be so handled is designated in accordance with instructions issued by the Agricultural Adjustment Administration. Such areas shall include the following counties and all other counties in Oklahoma and Texas lying west of these counties:

OKLAHOMA.—Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton.

TEXAS.—Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnett, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg.

C. Land planted to oats, barley, rye, flax, or mixtures of these crops, between August 1, 1937, and July 31, 1938, except:

1. When a good stand and good growth of such crop is used as a green manure crop.

2. When such crop is used as a nurse crop or cover crop and is not harvested for grain or hay.

[D. Land planted in 1938 to buckwheat, sweet sorghums, Sudan grass, or millet, harvested for grain, seed, sirup, or silage.]<sup>26</sup>

E. Land planted in 1938 to soybeans harvested for seed for crushing.

F. Land summer fallowed in any area if the summer-fallowed acreage is not protected from wind and water erosion by methods recommended by the State committee and approved by the Agricultural Adjustment Administration.

<sup>24</sup> Amendment 11 approved by the Administrator April 22, 1938.

<sup>25</sup> Amendment 20 approved by the Administrator June 1, 1938.

<sup>26</sup> Amendment 12 approved by the Administrator April 22, 1938.



The acreage of land which is devoted *consecutively* in 1938 to two or more of the soil-depleting crops specified in this section XIII shall be counted as follows:

1. If only one of such crops reaches maturity, such land shall be regarded as devoted to the crop reaching maturity.
2. If none of such crops reaches maturity, or if more than one of such crops reach maturity, and an individual crop acreage allotment is established for only one of such crops, such land shall be regarded as devoted to the crop for which an individual crop acreage allotment is established.
3. If none of such crops reaches maturity and individual crop acreage allotments are established for two or more of such crops, the land shall be regarded as devoted to the last planted of such crops for which an individual crop acreage allotment is established.
4. If two or more of such crops reach maturity and individual crop acreage allotments are established for such crops, the land shall be regarded as devoted to each of the crops which reached maturity and for which an individual crop acreage allotment is established.
5. If two or more of such crops reach maturity or if none of such crops reaches maturity and individual crop acreage allotments are not established for any of such crops, the land shall be regarded as devoted to the last planted of such crops.

The acreage of land which is devoted simultaneously in 1938 to two or more of the soil-depleting crops specified in this section XIII shall be divided among such crops on the basis of that fractional part of the land devoted to each.

In connection with determinations regarding the maturity of crops in 1938, canning peas harvested for canning will be deemed to have reached maturity; and field corn, sweet corn, and popcorn when hogged off, or cut for silage, fodder, or other similar uses, will be deemed to have reached maturity.

Land devoted to volunteer soil-depleting crops in 1938 which are harvested shall be classified as if such crops were planted.

#### SECTION XIV. SOIL-BUILDING PRACTICES

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein when carried out in 1938 in accordance with specifications, if any, issued by the regional director or by the State committee with the approval of the regional director, and when performed in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than one-half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a Federal or State agency.

## SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as one unit, *provided*, that when the materials specified in items 1 or 2 are applied to perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or Natal grass, when seeded or grown in connection with a soil-depleting crop, no part of the material applied shall be counted.

1. Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

2. Application of 500 pounds of basic slag or rock phosphate (including coloidal phosphate) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

3. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

4. Construction of reservoirs and dams—15 cubic yards of material moved in making the fill or excavation (applicable only in Oklahoma and Texas).

5. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

6. Contour ridging of noncrop open pasture land—750 linear feet of ridge or terrace.

7. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials, excluding barnyard and stable manure, per acre in commercial orchards or on commercial vegetable land.

8. Application of 1,500 pounds of ground limestone or its equivalent.

9. Restoration of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period (applicable only in Oklahoma and Texas).

B. Each acre of the following shall be counted as one unit:

10. Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redbud) or mixtures (other than a mixture consisting solely of timothy and redbud) containing perennial grasses, perennial legumes, or biennial legumes (except permanent pasture mixtures qualifying under practice No. 13).

11. Seeding winter legumes, annual lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweetclover.

12. Green manure crops and cover crops (excluding (1) lespedeza, (2) peanuts hogged off, (3) grain sorghums except in counties designated under item 3 of subsection A of section XIII, (4) any crop for which credit is given in 1938 under any other practice, and (5) wheat in Oklahoma and Texas), of which a good stand and good growth is (1) plowed or disced under on land not subject to erosion, or, if subject to erosion, such crop is followed by a winter cover crop, or (2) left on the land as a temporary mulch in orchards or on commercial vegetable or Irish potato land, or on cropland in a regular cropping rotation, provided that grain sorghums must be plowed or disced under before heading in order to qualify under this practice.]<sup>27</sup>

C. Each acre of the following shall be counted as two units:

13. Seeding permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redbud (applicable only on class B farms).

14. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees planted between January 1, 1934, and January 1, 1938.

15. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses.

16. Green manure crops (excluding lespedeza and peanuts hogged off) of which a good stand and a good growth is plowed or disced under (applicable

<sup>27</sup>Amendment 13 approved by the Administrator April 22, 1938.

only on class B farms on which the average acreage of land on which commercial vegetables were grown in 1936 and 1937 exceeds 50 percent of the acreage of cropland in the farm in excess of the sum of the Irish potato, tobacco, cotton, and peanut acreage allotments established for the farm).

D. Each acre of the following shall be counted as five units:

17. Planting forest trees (including shrubs in protective plantings), *provided* such trees are protected and cultivated in accordance with good tree-culture practice.

18. Control of seriously infested plots of bindweed (*convolvulus arvensis*) on cropland in organized weed control districts, including counties where county officials are cooperating under the State control law, in accordance with good chemical methods (applicable only in Oklahoma).

E. Each 2 acres of the following shall be counted as one unit:

19. Summer legumes (excluding peanuts hogged off and excluding summer legumes classified as soil-depleting) interplanted or grown in combination with soil-depleting crops, *provided* a good stand and a good growth is left on the land or turned under, and *provided further* that the summer legume occupies at least one-third of the land.

20. Seeding timothy or redtop or mixtures consisting solely of timothy and redtop.

F. Each 4 acres of the following shall be counted as one unit:

21. Contour listing of furrowing noncrop land.

22. Strip cropping other than for protection of summer-fallowed acreage.

23. Leaving on the land as a protection against wind erosion the stalks of sorghums or Sudan grass, classified as soil-depleting, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1939. This practice is applicable only in the following counties:

OKLAHOMA.—Beaver, Cimarron, and Texas.

TEXAS.—Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, and Sherman.

24. Protecting summer-fallowed acreage from wind and water erosion by contour or basin listing, strip cropping, or incorporating small-grain stubble and straw into the surface soil. No credit will be given for this practice on any farm when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover has resulted in the land becoming subject to serious wind erosion. This practice is applicable only in the following counties and all other counties in Oklahoma and Texas lying west of these counties:

OKLAHOMA.—Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton.

TEXAS.—Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnett, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg.

G. Each 8 acres of the following shall be counted as one unit:

25. Contour farming intertilled crops (applicable only on class A farms in Arkansas, Oklahoma, and Texas).

26. Contour listing or basin listing on the contour (applicable only in Oklahoma and Texas). No credit will be given for this practice when carried out on protected summer-fallowed acreage or as part of the seeding operation.

H. Each 10 acres of the following shall be counted as one unit:

27. Contour seeding of small grain crops for harvest in 1938 (applicable only on class A farms in Arkansas, Oklahoma, and Texas).

28. Basin listing (not on the contour) (applicable only in Oklahoma and Texas). No credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

29. Natural vegetative cover or small-grain stubble of crops harvested in 1938 left on cropland not tilled after July 1, 1938, where it is determined by the



county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1939. This practice is applicable only in the following counties:

OKLAHOMA.—Beaver, Cimarron, and Texas.

TEXAS.—Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, and Sherman.

## SECTION XV. NORMAL YIELDS AND PRODUCTIVITY INDEXES

**A. Normal Yields of Special Soil-Depleting Crops.**—The county committee, with the assistance of other local committees in the county, in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration, shall determine for each farm for which a cotton, wheat, rice, tobacco, peanut, or Irish potato acreage allotment will be established, a normal yield for each such crop.

【1. **Cotton.**—(a) Where reliable records of the actual average yield of cotton per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

【(b) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period.

【(c) The yields determined under paragraph (b) of this item 1 shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments established for such farms) shall conform to the county (or administrative area) average yield established by the Secretary.

【2. **Wheat.**—(a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

【(b) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period. Where the productivity index most recently established for the farm in connection with the agri-

cultural conservation program is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

[(c) The yield determined under paragraph (b) of this item 2 shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments established for such farms) shall conform to the county average yield established by the Secretary.]<sup>28</sup>

3. **Rice.**—(a) When reliable records of the actual average yield of rice per acre for the 5 years, 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(b) If for any year of the 5 years, 1933 to 1937, inclusive, records of the actual average yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph 3 (a) above.

(c) If the average of the normal yields for all lands planted to rice in 1938 in the State (weighted by the rice acreage allotments therein) exceeds the average yield per acre for the State during the period 1933 to 1937, inclusive, established by the Secretary, the normal yields for such lands, determined under paragraphs 3 (a) and 3 (b) above, shall be reduced pro rata so that the average of such normal yields shall not exceed the State average yield.

4. **Tobacco, Peanuts, and Irish Potatoes.**—(a) The normal yield of tobacco, peanuts for market, or Irish potatoes, as the case may be, for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1938 with due consideration for type of soil, drainage, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The average yield for all farms in any county of tobacco, peanuts for market, or Irish potatoes shall not exceed the county average yield for the crop established by the Secretary.

B. **Productivity Indexes.**—The Secretary shall establish for each county a county productivity index which will vary among the counties as the productivity of the cropland in the county devoted to the production of general soil-depleting crops varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index shall be established, in accordance with instructions issued by the Agricultural Adjustment Administration, for each class A farm by the county committee, with the approval of the State committee. Such productivity index shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting

<sup>28</sup> Amendment 14 approved by the Administrator April 22, 1938.

crop in the county does not accurately reflect the productivity of a farm, the yield of any other crop that reflects the productivity of the farm may be used, *provided*, that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index for all farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Agricultural Adjustment Administration.

### SECTION XVI. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest, within 15 days after notice thereof is forwarded to or available to him, may request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters:

- (a) Eligibility to file an application for payment;
- (b) Any soil-depleting acreage allotment or soil-building goal;
- (c) The division of payment; or
- (d) Any other matter affecting the right to or the amount of his payment with respect to the farm.

The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may appeal in writing to the State committee within 15 days after such decision is forwarded to or made available to him. The State committee shall inform such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may request the regional director to review the decision of the State committee within 15 days after such decision is forwarded to or made available to him.

### SECTION XVII. STATE AND REGIONAL BULLETINS, INSTRUCTIONS, AND FORMS

The Agricultural Adjustment Administration shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1938 Agricultural Conservation Program.

### SECTION XVIII. DEFINITIONS

For the purpose of the 1938 Agricultural Conservation Program: **Secretary** means the Secretary of Agriculture of the United States. **Regional Director or Director of the Southern Division** means the director of the Southern Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the Southern Region.



**Southern Region** means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

**State Committee** means the group of persons designated within any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

**County Committee** means the group of persons elected within any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

**Person** means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**Landlord** means a person who owns land and rents such land to another person, or operates such land.

**Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Agricultural Conservation Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops;

*provided*, that land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**[Class A Farms include:** (1) All farms in Oklahoma; (2) all farms in Texas except in Reeves and El Paso Counties; (3) all farms in the following counties in Arkansas: Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Franklin, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Perry, Prairie (except Area II), Randolph (except Area I), Saline, Scott, Searcy, Sebastian (except Area I), Sharp, Stone, Van Buren, Washington, and Yell.]<sup>29</sup>

<sup>29</sup> Amendment 26 as approved by the Administrator September 8, 1938.



**Class B Farms** means all farms which are not class A farms.

**Cropland** means farm land which is tilled annually or in a regular rotation, excluding commercial orchards, restoration land, and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community, but including any other land which has been planted since January 1, 1930, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, and including also land planted to noncommercial orchards other than abandoned orchards.

**Restoration Land** means farm land, in areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, which was cropped at least once since January 1, 1930, and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

**Cotton** means cotton the staple of which is normally less than 1½ inches in length. American-Egyptian cotton, Sea Island cotton, and any other cotton the staple of which is normally 1½ inches or more in length shall be considered as general soil-depleting crops and not as cotton in connection with the 1938 Agricultural Conservation Program.

**Commercial Orchards** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits, on the farm on January 1, 1938 (excluding nonbearing orchards and vineyards), from which the principal part of the production is normally sold.

**Commercial Vegetables** means the acreage of vegetables or truck crops (including Irish potatoes on farms where an Irish potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

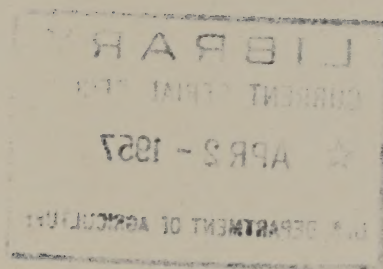
**Peanuts for Market** means only those peanuts separated from the vines by mechanical means and from which the principal part of the production is sold to persons off the farm.

**Soil-Conserving Acreage** means the total acreage of cropland in any class A farm in excess of the total soil-depleting acreage allotment established for the farm.

**Noncrop Open Pasture** means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**General Soil-Depleting Crops** means all soil-depleting crops other than sugarcane for sugar and those for which individual crop acreage allotments are established on the farm.

**Animal Unit** means one cow, five sheep, five goats, two calves, or two colts, or the equivalent thereof.





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